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Subject MDI 1917 In re: Cathode Ray Tube (CRT) Antitrust Litigation

CV 08

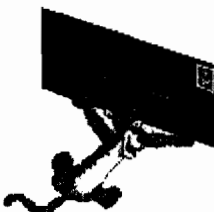
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08-1621SC

U.S. DISTRICT COURT
DISTRICT OF VERMONT
FILED

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UNITED STATES DISTRICT COURT
DISTRICT OF VERMONT

MARGARET SLAGLE, on behalf of
herself and all others similarly situated,
Plaintiff,

vs.

CHUNGHWA PICTURE TUBES, LTD.;
TATUNG COMPANY OF AMERICA, INC.;
L.G. ELECTRONICS, INC.; LG PHILIPS
DISPLAY USA, INC.; MATSUSHITA
ELECTRIC INDUSTRIAL CO. LTD.;
PANASONIC CORPORATION OF NORTH
AMERICA; KONINKLIJKE PHILIPS
ELECTRONICS N.V.; PHILIPS
ELECTRONICS NORTH AMERICA
CORPORATION; SAMSUNG ELECTRONICS
CO.; SAMSUNG ELECTRONICS AMERICA,
INC.; SAMSUNG SDI CO. LTD. f/k/a
SAMSUNG DISPLAY DEVICE CO.;
TOSHIBA CORPORATION; TOSHIBA
AMERICA ELECTRONICS COMPONENTS,
INC.; TOSHIBA AMERICA INFORMATION
SYSTEMS, INC.; MT PICTURE DISPLAY
COMPANY; MT PICTURE DISPLAY
CORPORATION OF AMERICA (New York);
MT PICTURE DISPLAY CORPORATION OF
AMERICA (Ohio) and LP DISPLAYS,
Defendants.

Case No.

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CLASS-ACTION
COMPLAINT

JURY TRIAL
DEMANDED

Plaintiff Margaret Slagle, individually and on behalf of the Class described
below, brings this action against Defendants for violation of Vermont's antitrust
laws and for unjust enrichment and alleges as follows:

NATURE OF THE CASE

1. Plaintiff brings this lawsuit as a class action on behalf of individuals
and entities who purchased indirectly cathode-ray tubes ("CRTs") and products
containing CRTs (jointly, "CRT Products") in the Vermont from Defendants
during the period from at least May 1, 1998 through the present (the "Class

Period"). CRTs are used in a number of products, including but not limited to, computer monitors and televisions. As used herein, "CRT Products" refers to CRTs and products containing CRTs manufactured by any of the Defendants or their subsidiaries or affiliates.

2. During the Class Period, Defendants' collusive behavior artificially inflated the price of CRT Products. In particular, Defendants participated in cartel behavior and colluded to fix the prices of CRT Products.

3. Throughout the Class Period, Defendants' conspiracy was intended to, and did, moderate the downward price pressures on CRT Products caused by the market entry and rapid penetration of more technologically advanced competitive products. As explained in further detail below, liquid crystal displays ("LCD") and plasma display panels ("PDP") were used in the same primary applications as CRTs and presented significant advantages over CRT Products. LCD, PDP and products containing LCD or PDP will collectively be referred to as flat panel display products ("FPD Products"). Many of the Defendants, in addition to manufacturing, distributing and selling CRT Products, were also manufacturers, distributors, and sellers of FPD Products. Defendants who participated in both the market for CRT Products and the market for FPD Products will be specifically identified below.

4. Because of Defendants' unlawful conduct and conspiracy, Plaintiff and other members of the Class paid artificially inflated prices for CRT Products. Plaintiff and other members of the Class who purchased these products have therefore been damaged by Defendants' illegal actions.

JURISDICTION AND VENUE

5. This Court has diversity subject-matter jurisdiction over this class action pursuant to the Class Action Fairness Act of 2005, which amends 28 U.S.C. §1332 to add a new subsection (d) conferring federal jurisdiction over class actions where, as here, “any member of a class of plaintiffs is a citizen of a State different from any defendant” and the aggregated amount in controversy exceeds \$5,000,000, exclusive of interest and costs. *See* 28 U.S.C. § 1332(d)(2) and (6). This Court also has jurisdiction under 28 U.S.C. §1332(d) because “one or more members of the class is a citizen of a state within the U.S. and one or more of the Defendants is a citizen or subject of a foreign state.” The Court also has personal jurisdiction over the parties because Plaintiff submits to the jurisdiction of the Court and Defendants systematically and continually conduct business here and throughout the U.S., including marketing, advertising, and sales directed to residents of this District.

6. Venue is proper in this District pursuant to 28 U.S.C. §1391(a) and (c) because Defendants as corporations are “deemed to reside in any judicial district in which [they are] subject to personal jurisdiction.”

PARTIES

7. Plaintiff Margaret Slagle is a Vermont resident who indirectly purchased Defendants’ CRT Products for end use during the Class Period.

8. Defendant Chunghwa Picture Tubes, Ltd. (“Chunghwa”) is a Taiwanese company with its principal place of business at 1127 Heping Road, Bade City, Taoyuan, Taiwan. It is a partially owned subsidiary of Tatung

Company, a consolidated consumer electronics and information technology company based in Taiwan. Chunghwa's Board of Directors includes representatives from Tatung Company. The Chairman of Chunghwa, Weishan Lin, is also the Chairman and General Manager of Tatung Company. During the Class Period, Chunghwa manufactured, sold, and distributed CRT Products to customers throughout the U.S., including in Vermont. Chunghwa also manufactured, distributed and sold FPD Products in the U.S., including in Vermont, during the Class Period.

9. Defendant Tatung Company of America, Inc. is a California corporation with its principal place of business at 2850 El Presidio Street, Long Beach, California. Tatung Company of America, Inc. is a wholly-owned and controlled subsidiary of Tatung Company. During the Class Period, Tatung Company of America, Inc. manufactured, sold, and distributed CRT Products to customers throughout the U.S., including in Vermont. Tatung Company of America, Inc. also manufactured, distributed and sold FPD Products in the U.S., including in Vermont, during the Class Period.

10. Defendant LG Electronics, Inc. ("LGE") is a manufacturer of CRT Products with its global headquarters located at LG Twin Towers 20, Yeouido-dong, Yeongdeungpo-gu, Seoul, Korea 150-721. During the Class Period, LGE manufactured, sold and distributed CRT Products to customers throughout the U.S., including in Vermont. LGE also manufactured, distributed and sold FPD Products in the U.S., including in Vermont, during the Class Period.

11. Defendant Matsushita Electric Industrial Co., Ltd (“Matsushita”) is a Japanese company and has its global headquarters at 1006 Kadoma, Osaka 571-8501, Japan. Matsushita is the parent company of Panasonic Corporation of North America, JVC Company of America, and Victor Company of Japan, Ltd. During the Class Period, Matsushita manufactured, sold and distributed CRT Products to customers throughout the U.S. Matsushita also manufactured, distributed and sold FPD Products in the U.S., including in Vermont, during the Class Period.

12. Defendant Panasonic Corporation of North America (“Panasonic”) is a subsidiary of Defendant Matsushita and oversees its North American business operations, including sales. Defendant Panasonic has its global headquarters at 1 Panasonic Way, Secaucus, New Jersey, 07094. During the Class Period, Panasonic manufactured, sold and distributed CRT products to customers throughout the U.S., including in Vermont. A substantial portion of the CRTs produced by MT Picture Displays Co., Matsushita’s subsidiary, went to Panasonic for Panasonic’s production of CRT Products. Panasonic also manufactured, distributed and sold FPD Products in the U.S., including in Vermont, during the Class Period.

13. Defendant Koninklijke Philips Electronics N.V. (“Koninklijke”) has its global headquarters at Breitner Center Amstelplein 2, Amsterdam 1096 BC, Netherlands. During the Class Period, Koninklijke manufactured, sold and distributed CRT Products to customers throughout the U.S., including in Vermont. Koninklijke also manufactured, distributed and sold FPD Products in the U.S., including in Vermont, during the Class Period.

14. Defendant Philips Electronics North America Corporation ("Philips Electronics NA"), is a manufacturer of CRT Products. Defendant Philips Electronics NA has its global headquarters at 1251 Avenue of the Americas, New York, New York 10020. During the Class Period, Philips Electronics NA manufactured, sold and distributed CRT Products to customers throughout the U.S., including in Vermont. Philips Electronics NA also manufactured, distributed and sold FPD Products in the U.S., including in Vermont, during the Class Period.

15. Defendant LG Philips Display USA, Inc. ("LGPD"), is a manufacturer of CRT Products and is a subsidiary of Philips Electronics NA. Defendant LG Philips Display USA, Inc. has its global headquarters at 300 W Morgan Rd, Ann Arbor, MI 48108-9108, U.S. During the Class Period, LGPD manufactured, sold and distributed CRT Products to customers throughout the U.S., including in Vermont,

16. Defendant Samsung Electronics Co., Ltd. ("Samsung Electronics") is a Korean company with its principal place of business at Samsung Main Building, 250, Taepyeongno 2-ga, Jung-gu, Seoul 100-742, Korea. It is the world's largest producer of CRT Products. During the Class Period, Samsung Electronics manufactured, sold, and distributed CRT Products to customers throughout the U.S., including in Vermont. Samsung Electronics also manufactured, distributed and sold FPD Products in the U.S., including in Vermont, during the Class Period.

17. Defendant Samsung SDI Co., Ltd. ("Samsung SDI") formerly known as Samsung Display Device Co., has its global headquarters at Samsung Life Insurance Bldg 150, Seoul 100-716, Korea. During the Class Period,

Samsung SDI manufactured, sold and distributed CRT Products to customers throughout the U.S., including in Vermont. Samsung SDI also manufactured, distributed and sold FPD Products in the U.S., including in Vermont, during the Class Period.

18. Defendant Samsung Electronics America, Inc. ("Samsung America") is a New York corporation with its principal place of business at 105 Challenger Road, Ridgefield Park, New Jersey. Samsung America is a wholly-owned and controlled subsidiary of Defendant Samsung Electronics Company, Ltd. During the class Period, Samsung America sold and distributed CRT Products manufactured by Samsung Electronics Company, Ltd. to customers throughout the U.S., including in Vermont. Samsung America also sold and distributed FPD Products in the U.S., including in Vermont, during the Class Period.

19. Defendants Samsung Electronics Company, Ltd., Samsung SDI Co., Ltd., and Samsung America are referred to collectively herein as "Samsung."

20. Defendant Toshiba Corporation is a Japanese company with its principal place of business at 1-1, Shibaura 1-chome, Minato-ku, Tokyo 105-8001, Japan. During the Class Period, Toshiba Corporation manufactured, sold, and distributed CRT Products to customers throughout the U.S., including in Vermont. Toshiba Corporation also manufactured, distributed and sold FPD Products in the U.S., including in Vermont, during the Class Period.

21. Defendant Toshiba America Electronics Components, Inc. is a California corporation with its principal place of business at 19900 MacArthur Boulevard, Suite 400, Irvine, California. Toshiba America Electronics

Components, Inc. is a wholly-owned and controlled subsidiary of Toshiba America, Inc., a holding company for Defendant Toshiba Corporation. During the Class Period, Toshiba America Electronics Components, Inc. sold and distributed CRT Products manufactured by Toshiba Corporation to customers throughout the U.S., including in Vermont. Toshiba America Electronic Components also sold and distributed FPD Products manufactured by Toshiba Corporation in the U.S., including in Vermont, during the Class Period.

22. Defendant Toshiba America Information Systems, Inc. is a California corporation with its principal place of business at 9470 Irvine Blvd., Irvine, California. Toshiba America Information Systems, Inc. is a wholly-owned and controlled subsidiary of Toshiba America, Inc., a holding company for Defendant Toshiba Corporation. During the Class Period, Toshiba America Information Systems, Inc. sold and distributed CRT Products manufactured by Toshiba Corporation to customers throughout the U.S., including in Vermont. Toshiba America Information Systems also sold and distributed FPD Products manufactured by Toshiba Corporation in the U.S., including in Vermont, during the Class Period.

23. Defendants Toshiba Corporation, Toshiba America Electronics Components, Inc., and Toshiba America Information Systems, Inc. are referred to collectively herein as "Toshiba."

24. Defendant MT Picture Display Company is a wholly-owned and controlled subsidiary of Defendant Matsushita organized under the laws of Japan with its principal place of business located at Rivage Shinagawa, 1-8, Konan 4-

chome, Minato-ku, Tokyo 108-0075, Japan. Prior to April 2007, MT Picture Display Company was a joint venture between Matsushita Electric Industrial Co., Ltd. and Toshiba Corporation named Matsushita Toshiba Picture Display Co. Ltd. This joint venture was created in 2003 and integrated the CRTs operations of its parents. During the Class Period, both MT Picture Display and its predecessor Matsushita Toshiba Picture Display Co. Ltd. sold and distributed CRT Products to customers throughout the U.S., including in Vermont.

25. Defendants MT Picture Display Corporation of America (New York) and MT Picture Display Corporation of America (Ohio) were subsidiaries of MT Picture Display Company. Both subsidiaries were incorporated in Maryland and with their principal place of business located at 300 East Lombard Street, Baltimore, MD 21202. During the Class Period, MT Picture Display Corporation of America (New York) and MT Picture Display Corporation of America (Ohio) sold and distributed CRT Products to customers throughout the U.S., including in Vermont.

26. Defendant LP Displays (formerly known as LG Philips Display), a joint venture between LG Electronics and Koninklijke Philips Electronics, is organized under the laws of Hong Kong with its principal place of business located at Corporate Communications, 6th Floor, ING Tower, 308 Des Voeux Road Central, Sheung Wan, Hong Kong. During the Class Period, LP Displays sold and distributed CRT Products to customers throughout the U.S., including in Vermont.

27. Defendants committed the acts alleged in this complaint through their officers, directors, agents, employees, or representatives while they were

actively engaged in the management, direction, control, or transaction of each defendant's business or affairs.

28. Defendants' unlawful and intentional concerted actions have severely damaged and will continue to damage Plaintiff and the members of the classes they seek to represent.

CO-CONSPIRATORS AND AGENCY

29. Defendants, along with certain other persons, firms, corporations and entities, are co-conspirators in the violations and conspiracies alleged in this Complaint. These co-conspirators have performed acts and made statements in furtherance of the antitrust violation and conspiracies alleged herein.

30. At all relevant times, each Defendant ratified and/or authorized the wrongful acts of each of the other Defendants. Defendants, and each of them, are individually sued as participants and as aiders and abettors in the improper acts, plans, schemes and transactions that are the subject of this Complaint. Defendants participated as members of the conspiracy or acted with or in furtherance of it, or aided or assisted in carrying out its purposes alleged in this Complaint, and have performed acts and made statements in furtherance of the violations and conspiracy.

31. At all times, each Defendant was the agent of the other Defendants and in committing the violations and conspiracies alleged in this Complaint was acting within the course and scope of that agency and with the permission and consent of the principals.

CLASS-ACTION ALLEGATIONS

32. Plaintiff brings this action both on behalf of herself and on behalf of the following Class pursuant to Rule 23 of the Federal Rules of Civil Procedure:

All people and business entities in Vermont that indirectly purchased CRT Products manufactured, sold, or distributed by Defendants, other than for resale, from May 1, 1990 to present.

Specifically excluded from this Class are the Defendants; the officers, directors or employees of any Defendant; any entity in which any Defendant has a controlling interest; and any affiliate, legal representative, heir or assign of any Defendant. Also excluded are any judicial officers presiding over this action.

33. Plaintiff has met the requirements of Rules 23(a), 23(b)(1), 23(b)(2), and 23(b)(3) of the Federal Rules of Civil Procedure.

34. Plaintiff does not know the exact size class, since this information is in Defendants' exclusive control. But based on the nature of the trade and commerce involved, Plaintiff believes that the class numbers in the millions and that the class members are geographically dispersed throughout Vermont. Therefore, joinder of all class members would be impracticable, and class treatment is the superior method for fairly and efficiently adjudicating this controversy.

35. Plaintiff's claims are typical of other class members' claims because Plaintiff was injured through the uniform misrepresentations and omissions described and paid supra-competitive prices for CRT Products without having been informed that he was paying illegal and improper prices. Accordingly, by proving his own claim, Plaintiff will presumptively prove the class members' claims.

36. Common legal and factual questions exist, such as:
- a. Whether Defendants conspired to fix, raise, maintain, or stabilize the prices of CRT Products marketed, distributed, and sold in Vermont;
 - b. Whether Defendants conspired to manipulate and allocate the market for CRT Products marketed, distributed, and sold in Vermont;
 - c. The existence and duration of Defendants' horizontal agreements to fix, raise, maintain, or stabilize the prices of CRT Products marketed, distributed, and sold in Vermont;
 - d. The existence and duration of Defendants' horizontal agreements to manipulate and allocate the market for CRT Products marketed, distributed, and sold in Vermont;
 - e. Whether each Defendant was a member of, or participated in, the arrangement, contract, or agreement to fix, raise, maintain, or stabilize the prices of CRT Products marketed, distributed, and sold in Vermont;
 - f. Whether each Defendant was a member of, or participated in, the arrangement, contract, or agreement to allocate the market for CRT Products marketed, distributed, and sold in Vermont;
 - g. Whether Defendants' conspiracy was implemented;
 - h. Whether Defendants took steps to conceal their conspiracy from Plaintiff and the class members;
 - i. Whether Defendants' conduct caused injury in fact to the business or property of Plaintiff and the class members, and if so, the appropriate classwide measure of damages;
 - j. Whether the agents, officers or employees of Defendants and their co-conspirators participated in telephone calls, meetings, and other communications in furtherance of their conspiracy; and
 - k. Whether the purpose and effect of the acts and omissions alleged was to fix, raise, maintain, or stabilize the prices of CRT Products marketed, distributed, and sold in Vermont, and to manipulate and allocate the market for CRT Products marketed, distributed, and sold in Vermont.

37. Plaintiff can and will fairly and adequately represent and protect the class members' interests and has no interests that conflict with or are antagonistic to the class members' interests. Plaintiff's attorneys are experienced and competent in complex-class- action and consumer-antitrust litigation.

38. Class certification of the proposed class is appropriate under Rule 23(b)(3) of the Federal Rules of Civil Procedure because a class action is the superior procedural vehicle for the fair and efficient adjudication of the claims asserted given that:

- a. Common questions of law and fact overwhelmingly predominate over any individual questions that may arise among or within the respective, alternative classes and, consequently, enormous economies to the court and parties exist in litigating the common issues on a classwide basis or, alternatively, bases, instead of on a repetitive individual basis or, alternatively, bases;
- b. Each individual class member's damage claim is too small to make individual litigation an economically viable alternative, and few class members have any interest in individually controlling the prosecution of separate actions;
- c. Class treatment is required for optimal deterrence and compensation and for limiting the court-awarded reasonable legal expenses incurred by class members; and
- d. Despite the relatively small size of each individual class member's claim, the aggregate volume of their claims, whether considered in one class, coupled with the economies of scale inherent in litigating similar claims on a common basis, will enable this case to be litigated as a class action on a cost effective basis, especially when compared with repetitive individual litigation, and no unusual difficulties are likely to be encountered in this class action's management in that all legal and factual questions are common to the class or, alternatively, classes.

39. Class certification is appropriate pursuant to Rule 23(b)(1) of the Federal Rules of Civil Procedure because prosecution of separate actions would create a risk of adjudication with respect to individual class members, which may as a practical matter, dispose of other class members' interests who aren't parties to the adjudication or which may substantially impair or impede their ability to protect their interests. Separate actions prosecuted by individual class members would also create a risk of inconsistent or varying adjudications, which would establish incompatible standards of conduct for Defendants.

40. Class certification is appropriate under Rule 23(b)(2) of the Federal Rules of Civil Procedure because Defendants have acted on grounds generally applicable to the class' members.

41. Plaintiff's claims are typical of the associated class members' claims because Defendants injured Plaintiff and the class members in the same manner (i.e., Plaintiff and the class members were forced to pay supra-competitive prices for CRT Products).

TRADE AND COMMERCE

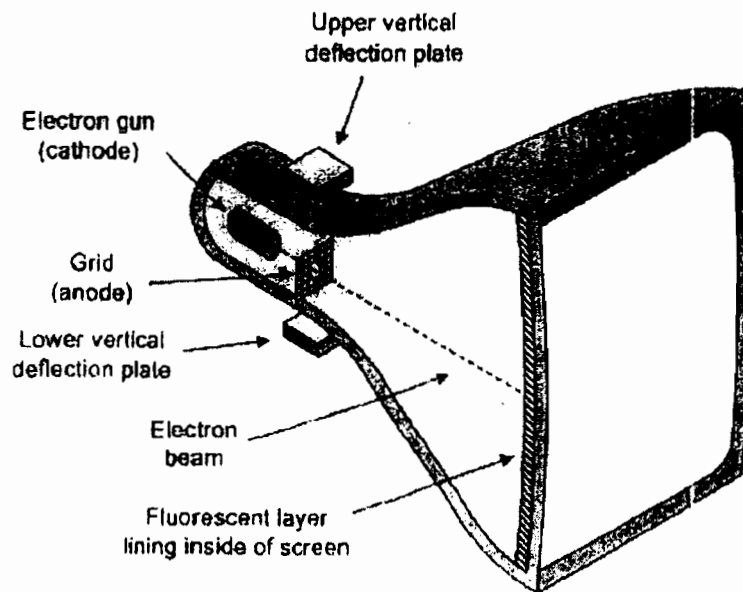
42. During the Class Period, each Defendant, or one or more of its subsidiaries, sold CRT Products in the U.S., including into Vermont, in a continuous and uninterrupted flow of interstate commerce and foreign commerce, including through and into this judicial district.

43. The business activities of the Defendants substantially affected interstate trade and commerce in the U.S., including Vermont, and caused antitrust injury in the U.S., including in Vermont.

FACTUAL ALLEGATIONS

A. CRT Technology

44. CRT technology has been in use for more than 100 years. The basic cathode-ray tube consists of three elements: The envelope, the electron gun, and the phosphor screen.



Cross-sectional representation of a cathode ray tube

Source: DIYcalculator.com, available at www.diycalculator.com/sp-console.shtml.

45. CRTs are manufactured in several standard sizes, including 17 inch, 19 inch, 27 inch, and 32 inch. CRTs manufactured by Defendants are interchangeable with one another.

B. Trends within the CRT Products Market and Increased Competition from FPD Products

46. The worldwide market for CRT Products is and has been large. In 1997, the worldwide CRTs market exceeded \$24 billion in sales.

47. At the beginning of the Class Period, CRTs were the dominant display technology worldwide. For example, in 1997, 99.3% of all computer monitors sold worldwide contained CRTs. In 2005, approximately 47 million CRT monitors were sold worldwide, and approximately 20.3% of these were sold in the U.S.

48. Although the value of all display materials shipped worldwide is projected to rise at an average annual growth rate of 12.8% by 2010, worldwide demand for CRT Products is declining overall because of the growing popularity of FPD Products which are being used in place of CRT Products.

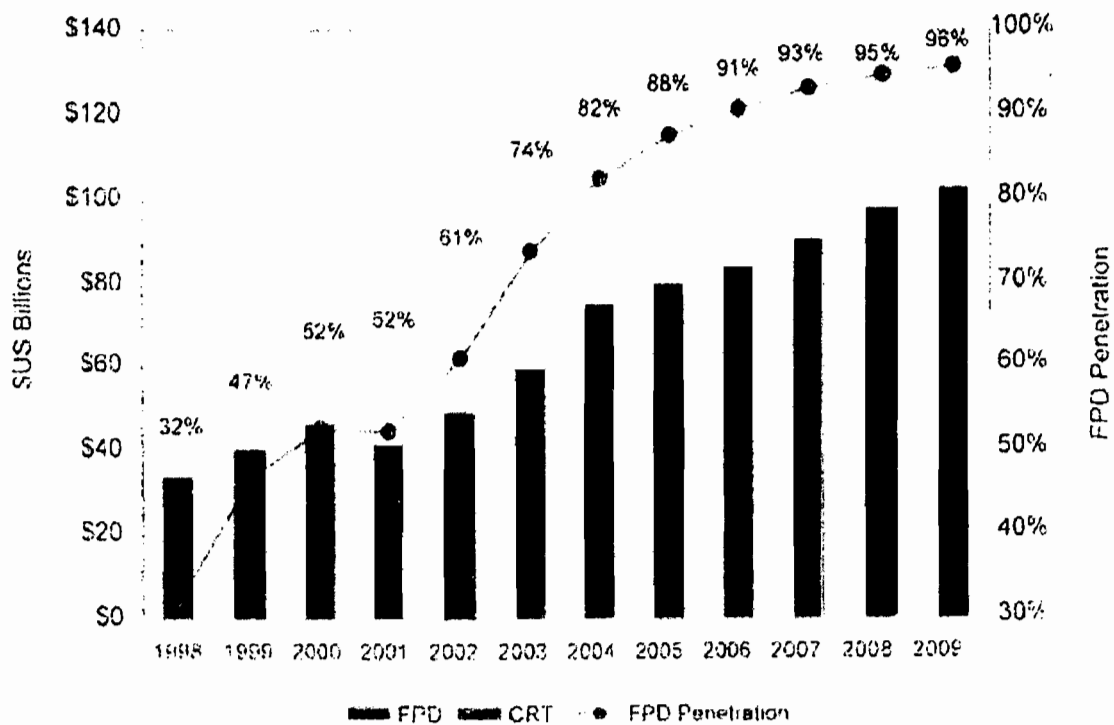
(<<http://www.bccresearch.com/RepTemplate.cfm?reportID=552&RepDet=HLT&cat=smc&target=repdet...11/13/2007>>). CRT Products' share of the market declined precipitously in the U.S. where FPD Products achieved more rapid market penetration.

49. FPD Products may be used to produce the same image as CRT Products but also have many important advantages over CRT Products. For example, FPD Products are less bulky, require less energy, are easier to read, and do not flicker.

50. In 1995, recognizing the increasing significance of FPD technologies, Korean manufacturers Samsung and LG Electronics entered the FPD Product market, leading to a surge in FPD Product manufacturing capacity.

51. The market share of CRT Products declined as other newer technologies emerged and were brought to market. As demonstrated in the chart

below, by 1998, FPD Products had already achieved 32% of the U.S. market for CRT Products. Penetration by FPD Products is projected to reach 96% by 2009. FPD Products' global penetration has not been as dramatic as it was in the U.S. due to the continued popularity of lower-priced CRT Products in China, India, and South America.



Source: David Hsieh, *Flat Panel Display Market Outlook*, DisplaySearch Presentation, Nov. 5, 2005.

52. CRT TVs currently account for only a minority share of television set revenues in North America (37.3%), Japan (9.5%) and Europe (31.0%).

Naranjo, *The Global Television Market*, DisplaySearch Report, p. 19.

53. During the Class Period, while demand for CRT Products continued to fall in the U.S., Defendants' conspiracy was effective in moderating the normal

downward pressures on prices for CRT Products caused by the entry of the new generation of competing technologies. Indeed, during the Class Period, there were not only periods of unnatural and sustained price stability, but there were also inexplicable increases in the prices of CRTs, despite declining demand due to approaching obsolescence of CRTs caused by the emergence of a new, superior, substitutable technology.

54. These periods of price stability and price increases for CRTs are fundamentally inconsistent with a competitive market for a product where demand is rapidly decreasing because of the introduction of new superior technologies.

C. Structure of the CRT Product Industry

55. The CRT Product industry is characterized by a number of structural features that facilitate collusion, including market concentration, the consolidation of manufacturers, multiple interrelated business relationships, significant barriers to entry, and interchangeability of products.

56. Defendant Samsung SDI has the largest market share of any CRT Products manufacturer at this point in time. In 2000, Defendant Samsung SDI had 18% of the global CRTs market. In 2002, Samsung SDI had 21.8% of the global market for CRT monitors. In 2004, Samsung SDI had a 30% share of the global CRTs market.

57. Defendant LP Displays (formerly LG.Philips Displays) has the second largest share of the CRTs market. In 2004, LG.Philips Displays held 27% of the global market for CRT.

58. Defendant MT Picture Display (formerly Matsushita Toshiba Display Co.) is also a major player in the CRTs market. In 2004, Matsushita Toshiba Picture Display Co. held 9% of the global market for CRTs.

59. Defendant Chunghwa Picture Tubes held 21.7% of the global CRTs market in 1999.

60. In 2004, Defendants Samsung SDI, LP Displays, MT Picture Display, and Chunghwa Picture Tubes maintained a collective 78% of the global CRTs market.

61. The market for CRT Products is subject to high manufacturing and technological barriers to entry. Efficient fabrication plants are large and costly and require years of research, development and construction. Technological advances have caused Defendants to undertake significant research and development expenses.

62. The CRT Products market has also been subject to substantial consolidation and multiple interrelated business relationships during the Class Period. Matsushita Electric Industrial Co. Ltd. and Toshiba Corporation combined their efforts by forming Defendant MT Picture Display Company. At the time of the formation of MT Picture Display, Matsushita and Toshiba had been the fourth and sixth largest CRT manufacturers in the world. This joint venture combined the entire CRT operations of both parent companies. MT Picture Display Company specialized in the manufacture of CRTs above 30 inches, supplying some 950,000 units annually to the North American market.

63. In November 2000, Defendants LG Electronics and Koninklijke Philips Electronics agreed to enter a 50/50 joint venture that merged their CRT operations. The resulting joint venture, originally named LG.Philips Displays, and renamed LP Displays in 2007, entered the market with a 25% share, making it the second largest CRTs manufacturer only behind Samsung SDI at the time.

64. In 2005, Samsung SDI and LG.Philips Displays entered into an agreement to share parts with respect to CRTs in an effort to boost their combined market share.

65. Defendants sell their CRT Products through various channels, including to manufacturers of electronic products and devices, and to resellers of CRT Products, and incorporate CRTs into their own manufactured products, which are then sold directly to consumers.

D. International Antitrust Investigations

66. Competition authorities in the U.S., Europe, Japan and South Korea recently engaged in coordinated actions, including raids, targeting the unlawful CRT Products cartel alleged in this Complaint. On November 9, 2007, the Reuters news agency reported:

Antitrust authorities in Europe and Asia raided a Matsushita Electric Industrial Co. Ltd. unit and other cathode ray tube makers on suspicion of price fixing, weighing on the share of the Panasonic maker.

* * *

Matsushita confirmed Japan's Fair Trade Commission (FTC) had begun a probe of its cathode ray tube unit. MT Picture Display Co. Ltd., while Samsung SDI Co. Ltd. said South Korea's FTC had started an investigation into its CRT business.

www.reuters.com/article/mergersNews/idUSL0890850720071109.

67. On November 9, 2007, the European Commission confirmed in Brussels that “on November 8 Commission officials carried out unannounced inspections at the premises of manufacturers of cathode ray tubes.” The European Commission’s announcement continued stating, “The Commission has reason to believe that the companies concerned may have violated EC Treaty rules on cartels and restrictive business practices.”

68. On November 12, 2007, Chunghwa Picture Tubes, Ltd. confirmed that it had received a subpoena from a California district court relating to CRTs. A federal grand jury operating under the auspices of the U.S. Department of Justice, Antitrust Division (“DOJ”) through its San Francisco office issued the subpoena.

69. On November 21, 2007, Koninklijke Philips Electronics, N.V. reported that it and its joint venture with LG Electronics, LP Displays, are also targets of the coordinated investigation into collusive practices and other antitrust violations in the CRTs market.

70. The Defendants include known recidivist antitrust violators. Samsung, for example, was fined \$300 million by the DOJ in October 2005 for participating in a conspiracy to fix prices for Dynamic Random Access Memory. It is also under investigation by the DOJ (along with some of the other Defendants, including Toshiba) for fixing prices of Static Random Access Memory. Samsung and Toshiba are also being investigated for collusion among manufacturers of NAND flash memory.

71. Several Defendants, including Samsung and a joint venture between LG Electronics and Koninklijke Philips Electronics, are targets of a coordinated investigation by the DOJ and antitrust authorities in Europe, Japan and South Korea in connection with anticompetitive conduct in the market for LCD Products. Because LCD Products and CRT Products are used in the same primary applications, collusion with respect to CRT Product prices would bolster these same Defendants' LCD pricing cartel. Keeping CRTs prices artificially inflated also would serve both to increase profits on remaining CRTs sales while protecting LCD prices.

FRAUDULENT CONCEALMENT

72. Plaintiff and members of the Class did not discover and could not discover through the exercise of reasonable diligence the existence of the conspiracy alleged herein any earlier than November 9, 2007 when it was first publicly reported that manufacturers of CRT Products were under investigation by antitrust authorities in Europe, Japan, and South Korea for conspiring to fix the prices of CRT Products.

73. Because Defendants' agreements, understandings, and conspiracies were kept secret until November 9, 2007, Plaintiff and members of the Class before that time were unaware of Defendants' unlawful conduct alleged herein, and they did not know before that time they were paying artificially high prices for CRT Products throughout the U.S., including in Vermont, during the Class Period.

74. The affirmative acts of the Defendants alleged herein, including acts in furtherance of the conspiracy, were wrongfully concealed and carried out in a manner that precluded detection.

75. By its very nature, Defendants' price fixing conspiracy was inherently self-concealing. The CRT industry is not exempt from antitrust regulation, and thus, before November 9, 2007, Plaintiff reasonably considered it to be a well-regulated competitive industry.

76. In the context of the circumstances surrounding Defendants' pricing practices, Defendants' acts of concealment were more than sufficient to preclude suspicion by a reasonable person that Defendants' pricing was collusive and conspiratorial. Accordingly, a reasonable person under the circumstances would not have been alerted to investigate the legitimacy of Defendants' prices before November 9, 2007.

77. Plaintiff and members of the Class could not have discovered the alleged contract, conspiracy, or combination at an earlier date by the exercise of reasonable diligence because of the deceptive practices and techniques of secrecy employed by the Defendants and their co-conspirators to avoid detection of, and fraudulently conceal, their contract, combination, or conspiracy.

78. Because the alleged conspiracy was both self-concealing and affirmatively concealed by Defendants and their co-conspirators, Plaintiff and members of the Class had no knowledge of the alleged conspiracy, or of any facts or information that would have caused a reasonably diligent person to investigate whether a conspiracy existed, until November 9, 2007, when reports of the

investigations into price fixing in the CRT industry were first publicly disseminated.

79. None of the facts or information available to Plaintiff and members of the Class prior to November 9, 2007, if investigated with reasonable diligence, could or would have led to the discovery of the conspiracy alleged herein prior to November 9, 2007.

80. As a result of the self-concealing nature of the conspiracy and the active concealment of the conspiracy by Defendants and their co-conspirators, any and all applicable statutes of limitations otherwise applicable to the allegations herein have been tolled.

COUNT I
VIOLATION OF THE VERMONT ANTITRUST ACT

81. Plaintiff incorporates and re-alleges paragraphs 1 – 80.

82. From May 1, 1998 through present, Defendants engaged in an unfair method of competition in Vermont commerce and in unfair or deceptive acts or practices in Vermont commerce by conspiring to fix CRT Products' prices and to allocate CRT Products' customers and markets. Defendants' conspiracy lessened full and free competition in CRT Products' importation and sale into Vermont and controlled their costs, which violated 9 Vt. Stat. Ann. §2451 *et seq.*

83. Defendants' conspiracy caused them to (a) fix, raise, maintain, and stabilize CRT Products prices; (b) allocate CRT Products customers and markets; and (c) caused Plaintiff and the other Vermont class members to pay higher prices for CRT Products that they indirectly purchased from Defendants.

COUNT II
UNJUST ENRICHMENT

88. Plaintiff repeats and re-alleges paragraphs 1 through 80.

89. As the result of Defendants' illegal agreement, contract, combination, and conspiracy, Plaintiff and the class members conferred a benefit upon Defendants, and Defendants received and retained this benefit under such circumstances that it would be inequitable and unconscionable to permit Defendants to retain this benefit without paying its reasonable value to Plaintiff and the class members.

90. As a direct and proximate result of Defendants' unjust enrichment, Plaintiff and the class members suffered injury and seek an order directing Defendants to return to them the amount each of them improperly paid to Defendants, plus interest.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff requests that this Court enter judgment in the class members' favor and against Defendants, as follows:

- A. That this Court determine that this action may be maintained as a class action under Rule 23 of the Federal Rules of Civil Procedure and certify the Vermont class;
- B. That this Court rule that Defendants' conspiracy violated Vermont law and that compensatory damages, including treble damages, are appropriate;
- C. That this Court determine that Defendants were unjustly enriched;
- D. That this Court permanently enjoin Defendants from conspiring to fix CRT Products' prices and allocating CRT Products' markets or other injunctive relief as this Court deems appropriate;

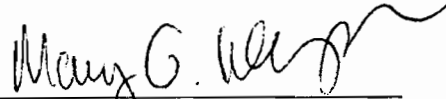
- E. That this Court award Plaintiff post-judgment interest, his costs, and reasonable attorneys' fees; and
- F. That this Court order any other relief as it deems just and proper.

JURY DEMAND

Plaintiff demands trial by jury on all triable issues.

Dated: January 9, 2008

Respectfully submitted,



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Kirkpatrick & Goldsborough, PLLC
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Attorneys for Plaintiff and the Class

26393-001

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JS 44 (Rev. 11/04)

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

| I. (a) PLAINTIFFS MARGARET SLAGLE, on behalf of herself and all others similarly situated, (b) County of Residence of First Listed Plaintiff <u>CHITTENDEN, VT</u> (EXCEPT IN U.S. PLAINTIFF CASES) (c) Attorney's (Firm Name, Address, and Telephone Number) Mary G. Kirkpatrick, Esq.; Kirkpatrick & Goldsborough, PLLC 1233 Shelburne Rd., Ste. E-1; So. Burlington, VT 05403 (802-651-0960) | | DEFENDANTS CHUNGHWA PICTURE TUBES, LTD., et al. County of Residence of First Listed Defendant <u>TAIWAN</u> (IN U.S. PLAINTIFF CASES ONLY) NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE LAND INVOLVED. Attorneys (If Known) | | | | | | | | | | | | | | | | | | | | | | | | | |
|---|--|---|---|---|--|--|---|---|--|-----------------------|---------------------------------------|----------------------------|---|----------------------------|----------------------------|--------------------------|----------------------------|----------------------------|---|----------------------------|---------------------------------------|---|----------------------------|----------------------------|----------------|----------------------------|----------------------------|
| II. BASIS OF JURISDICTION (Place an "X" in One Box Only) <input type="checkbox"/> 1 U.S. Government Plaintiff <input type="checkbox"/> 2 U.S. Government Defendant <input type="checkbox"/> 3 Federal Question (U.S. Government Not a Party) <input checked="" type="checkbox"/> 4 Diversity (Indicate Citizenship of Parties in Item III) | | III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant) (For Diversity Cases Only) <table border="1" style="width:100%"><tr><th></th><th>PTF</th><th>DEF</th><th></th><th>PTF</th><th>DEF</th></tr><tr><td>Citizen of This State</td><td><input checked="" type="checkbox"/> 1</td><td><input type="checkbox"/> 1</td><td>Incorporated or Principal Place of Business In This State</td><td><input type="checkbox"/> 4</td><td><input type="checkbox"/> 4</td></tr><tr><td>Citizen of Another State</td><td><input type="checkbox"/> 2</td><td><input type="checkbox"/> 2</td><td>Incorporated and Principal Place of Business In Another State</td><td><input type="checkbox"/> 5</td><td><input checked="" type="checkbox"/> 5</td></tr><tr><td>Citizen or Subject of a Foreign Country</td><td><input type="checkbox"/> 3</td><td><input type="checkbox"/> 3</td><td>Foreign Nation</td><td><input type="checkbox"/> 6</td><td><input type="checkbox"/> 6</td></tr></table> | | | PTF | DEF | | PTF | DEF | Citizen of This State | <input checked="" type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 | Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input checked="" type="checkbox"/> 5 | Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |
| | PTF | DEF | | PTF | DEF | | | | | | | | | | | | | | | | | | | | | | |
| Citizen of This State | <input checked="" type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 | | | | | | | | | | | | | | | | | | | | | | |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input checked="" type="checkbox"/> 5 | | | | | | | | | | | | | | | | | | | | | | |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 | | | | | | | | | | | | | | | | | | | | | | |
| IV. NATURE OF SUIT (Place an "X" in One Box Only) <table border="1" style="width:100%"><tr><td><input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise</td><td>PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury</td><td>PERSONAL INJURY <input type="checkbox"/> 362 Personal Injury - Med. Malpractice <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability</td><td>PROPERTY/REAL ESTATE <input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs. <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act</td><td>BANKRUPTCY <input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROFESSOR RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609</td><td>OTHER STATUTES <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input checked="" type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes</td></tr></table> | | | | <input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise | PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury | PERSONAL INJURY <input type="checkbox"/> 362 Personal Injury - Med. 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Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. 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| V. ORIGIN (Place an "X" in One Box Only) <input checked="" type="checkbox"/> 1 Original Proceeding <input type="checkbox"/> 2 Removed from State Court <input type="checkbox"/> 3 Remanded from Appellate Court <input type="checkbox"/> 4 Reinstated or Reopened <input type="checkbox"/> 5 Transferred from another district (specify) <input type="checkbox"/> 6 Multidistrict Litigation <input type="checkbox"/> 7 Appeal to District Judge from Magistrate Judgment | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| VI. CAUSE OF ACTION Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity): <u>15 U.S.C. 1</u> Brief description of cause: <u>Class Action</u> | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| VII. REQUESTED IN COMPLAINT: | | <input checked="" type="checkbox"/> CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23 DEMAND \$ CHECK YES only if demanded in complaint: JURY DEMAND: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No | | | | | | | | | | | | | | | | | | | | | | | | | |
| VIII. RELATED CASE(S) IF ANY (See instructions): JUDGE _____ DOCKET NUMBER _____ DATE <u>1/9/08</u> SIGNATURE OF ATTORNEY OF RECORD <u>[Signature]</u> | | | | | | | | | | | | | | | | | | | | | | | | | | | |

FOR OFFICE USE ONLY

RECEIPT # _____ AMOUNT 350 APPLYING IFP _____ JUDGE 1011 MAG. JUDGE _____
468 2000798 2:08-cv-5

HOWREY
LLP

1299 Pennsylvania Avenue, NW
Washington, DC 20004-2402
T 202.783.0800
F 202.383.6610
www.howrey.com

January 22, 2008

File 04008.0248

BY COURIER

Jeffrey N. Lüthi
Clerk of the Panel
Judicial Panel on Multidistrict Litigation
Thurgood Marshall Federal Judiciary
Building One Columbus Circle, NE
Room G-255, North Lobby
Washington, DC 20002-8004

RECEIVED
BURLINGTON, VT

JAN 29 2008
2:08-cv-5
CLERK'S OFFICE
U.S. DISTRICT COURT

Re: IN RE: Cathode Ray Tube (CRT) Antitrust Litigation – MDL No. 1917

Dear Mr. Lüthi :

Enclosed for filing on behalf of Defendant Philips Electronics North America Corporation a/k/a PENAC, please find for filing an original and four (4) copies of the following documents which relate to the above-captioned matter:

- (1) Notice of Appearance;
- (2) Notice of Presentation or Waiver of Oral Argument
- (3) Rule 5.3 Corporate Disclosure Statement;
- (4) Philips Electronics North America Corporation's Interested Party Response to: (1) Plaintiff Crago, Inc.'s Motion for Transfer of Actions to the Northern District of California for Coordinated or Consolidated Pretrial Proceedings Pursuant to 28 U.S.C. § 1407, and (2) New York Direct Purchaser Plaintiff's Motion for Transfer of Actions to the Southern District of New York Pursuant to 28 U.S.C. § 1407 for Coordinated or Consolidated Pretrial Proceedings, (3) Plaintiff Princeton Display Technologies, Inc.'s Motion for Transfer and Consolidation of Related Antitrust Actions to the District of New Jersey Pursuant to 28 U.S.C. § 1407, (4) Plaintiff Glanz's Interested Party Response Concurring in the 28 U.S.C. Motion to Transfer but Seeking Transfer and Consolidation in the District of South Carolina; and (5) Plaintiff Wettstein & Sons, Inc.'s Interested Party Response Concurring in the 28 U.S.C. Motion to Transfer but Seeking Transfer and Consolidation in the District of Minnesota; Schedule of Actions;
- (5) Schedule of Actions; and

AMSTERDAM BRUSSELS CHICAGO EAST PALO ALTO HOUSTON IRVINE LONDON LOS ANGELES
MADRID MUNICH NEW YORK NORTHERN VIRGINIA PARIS SALT LAKE CITY SAN FRANCISCO TAIPEI WASHINGTON, DC

RECEIVED
JAN 29 2008
08CV5
U.S. DISTRICT COURT
BURLINGTON, VT

BEFORE THE JUDICIAL PANEL
ON MULTIDISTRICT LITIGATION

IN RE: CATHODE RAY TUB (CRT)
ANTITRUST LITIGATION

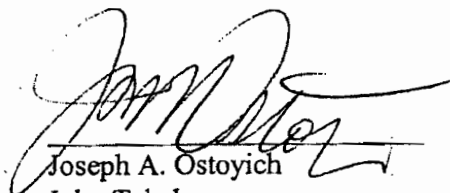
MDL DOCKET NO. 1917

NOTICE OF APPEARANCE ON BEHALF OF
PHILIPS ELECTRONICS NORTH AMERICA CORPORATION

Pursuant to Rule 5.2(c) of the Rules of Procedure of the Judicial Panel on Multidistrict Litigation, Defendant Philips Electronics North America Corporation, designates the undersigned attorney, Joseph A. Ostoyich, to receive service at the address set forth below all pleadings, notices, orders and other papers relating to practice before the Judicial Panel on Multidistrict Litigation in this proceeding.

DATED: January 22, 2008

HOWREY LLP



Joseph A. Ostoyich

John Taladay

Ethan E. Litwin

1299 Pennsylvania Ave., NW

Washington, DC 20004-2402

Tel: (202) 783-0800

Fax: (202) 383-6610

Email: ostoyichj@howrey.com

taladayj@howrey.com

litwine@howrey.com

LIST OF ACTIONS

| Case Name | Docket | Filed |
|---|-------------------|--------------|
| Arch Electronics, Inc. v. LG Electronics, Inc, et al. | S.D.N.Y.07-10664 | 11/29/2007 |
| Art's TV & Appliance v. Chunghwa Picture Tubes, LTD. et al | N.D. Cal. 07-6416 | 12/19/2007 |
| Benson v. Chunghwa Picture Tubes, LTD. et al. | E.D. Tenn. 08-11 | 1/14/2008 |
| Caldwell v. Matsushita Electric Industrial Co., Ltd., et al. | N.D. Cal. 07-6303 | 12/13/2007 |
| Carroll Cut-Rate Furniture v. Chunghwa Picture Tubes. Ltd.. Et al. | N.D. Cal. 08-309 | 1/16/2008 |
| Cook v. Chunghwa Picture Tubes, LTD. et al | W.D. Ark. 08-5013 | 1/11/2008 |
| Crago, Inc. v. Chunghwa Picture Tubes, LTD. et al | N.D. Cal. 07-5944 | 11/26/2007 |
| Figone v. LG Electronics, Inc., et al. | N.D. Cal. 07-6331 | 12/13/2007 |
| Glanz v. Chunghwa Picture Tubes Ltd et al | D.S.C. 07-4175 | 12/31/2007 |
| Hawel v. Chungwa Picture Tubes, Ltd., et al. | N.D. Cal. 07-6279 | 12/12/2007 |
| Industrial Computing, Inc. v. Chungwa Picture Tubes, Ltd., et al. | S.D.N.Y.07-11203 | 12/13/2007 |
| Juetten v. Chungwa Picture Tubes, Ltd., et al. | N.D. Cal. 07-6225 | 12/10/2007 |
| Kindt v. Matsushita Electric Industrial Co, LTD. | S.D.N.Y. 07-10322 | 11/13/2007 |
| Kushner et al v. Chunghwa Picture Tubes, Ltd. et al | D. Minn. 08-1608 | 1/16/2008 |
| Meijer, Inc., et al. v. LG Electronics, Inc., et al. | S.D.N.Y. 07-10674 | 11/29/2007 |
| Monikraft, Inc v. Chunghwa Picture Tubes, LTD. et al | N.D. Cal. 07-6433 | 12/21/2007 |
| Muchnick, Inc. v. Chungwa Picture Tubes, Ltd., et al. | N.D. Cal. 07-5981 | 11/27/2007 |
| Ok TV & Appliances, LLC v. Samsung Electronics Co., Ltd., et al. | D.N.J. 08-86 | 1/7/2008 |
| Orion Home Systems, LLC v. Chunghwa Picture Tubes, LTD. et al | N.D. Cal. 08-178 | 1/10/2008 |
| Pierce v. Bejing-Matasushita Color CRT Co., Ltd., et al. | N.D. Cal. 08-337 | 1/17/2008 |
| Princeton Display Technologies, Inc. v. Chungwa Picture Tubes, Ltd., et al. | D.N.J. 07-5713 | 11/29/2007 |
| Royal Data Services, Inc. v. Samsung Electronics Co. Ltd., et al. | D.N.J. 08-39 | 1/2/2008 |
| Slagle v. Chunghwa Picture Tubes, Ltd. et al | D. Ver. 08-05 | 1/9/2008 |
| Southern Office Supply, Inc. v. Chunghwa Picture Tubes, LTD. et al | N.D. Ohio 08-62 | 1/10/2008 |
| Wettstein & Sons, Inc. v. Chunghwa Picture Tubes, Ltd., et al. | D. Minn. 07-4889 | 12/18/2007 |

RECEIVED

JAN 29 2008

08cv5

U.S. DISTRICT COURT
BURLINGTON, VT

**BEFORE THE JUDICIAL PANEL
ON MULTIDISTRICT LITIGATION**

IN RE: CATHODE RAY TUB (CRT)
ANTITRUST LITIGATION

MDL DOCKET NO. 1917

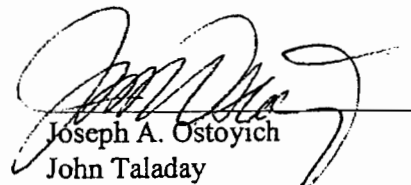
PANEL RULE 5.3 CORPORATE DISCLOSURE STATEMENT

Pursuant to Rule of Procedure 5.3 of the Rules of Procedure of the Judicial Panel on Multidistrict Litigation, Defendant Philips Electronics North America Corporation states as follows:

- 1) Philips Electronics North America Corporation's parent corporation is Philips Holding USA Inc. Philips Holding USA Inc.'s parent corporation is Koninklijke Philips Electronics N.V.
- 2) No public company owns 10% or more of Philips Electronics North America Corporation.

DATED: January 22, 2008

HOWREY LLP



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*Attorneys for Defendant Philips
Electronics North America Corporation*

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JAN 29 2008
08cv5
U.S. DISTRICT COURT
BURLINGTON, VT

BEFORE THE JUDICIAL PANEL
ON MULTIDISTRICT LITIGATION

IN RE: CATHODE RAY TUBE (CRT)
ANTITRUST LITIGATION

MDL DOCKET NO. 1917

INTERESTED PARTY RESPONSE OF PHILIPS ELECTRONICS NORTH AMERICA CORPORATION TO (1) PLAINTIFF CRAGO, INC.'S MOTION FOR TRANSFER OF ACTIONS TO THE NORTHERN DISTRICT OF CALIFORNIA FOR COORDINATED OR CONSOLIDATED PRETRIAL PROCEEDINGS PURSUANT TO 28 U.S.C. § 1407, (2) NEW YORK DIRECT PURCHASER PLAINTIFFS' MOTION FOR TRANSFER OF ACTIONS TO THE SOUTHERN DISTRICT OF NEW YORK PURSUANT TO 28 U.S.C. § 1407 FOR COORDINATED OR CONSOLIDATED PRETRIAL PROCEEDINGS, (3) PLAINTIFF PRINCETON DISPLAY TECHNOLOGIES, INC.'S MOTION FOR TRANSFER AND CONSOLIDATION OF RELATED ANTITRUST ACTIONS TO THE DISTRICT OF NEW JERSEY PURSUANT TO 28 U.S.C. § 1407, (4) PLAINTIFF GLANZ'S INTERESTED PARTY RESPONSE CONCURRING IN THE 28 U.S.C. MOTION TO TRANSFER BUT SEEKING TRANSFER AND CONSOLIDATION IN THE DISTRICT OF SOUTH CAROLINA; AND (5) PLAINTIFF WETTSTEIN & SONS, INC.'S INTERESTED PARTY RESPONSE SEEKING TRANSFER AND CONSOLIDATION OF RELATED ANTITRUST ACTIONS TO THE DISTRICT OF MINNESOTA PURSUANT TO 28 U.S.C. § 1407

Pursuant to Rule 7.2(c) of the Rules of Procedure of the Judicial Panel on Multidistrict Litigation, defendant Philips Electronics North America ("PENAC") hereby responds to (1) Plaintiff Crago, Inc.'s Motion for Transfer of Actions to the Northern District of California for Coordinated or Consolidated Pretrial Proceedings Pursuant to 28 U.S.C. § 1407, and (2) New York Direct Purchaser Plaintiff's Motion for Transfer of

also all antitrust class actions by direct or indirect purchasers alleging price fixing of CRT products.²

4. PENAC agrees that consolidation of the CRT cases pursuant to 28 U.S.C. § 1407 is appropriate. The cases concern many of the same parties and similar allegations of purported events. There will be substantial efficiencies if the cases are conducted for pre-trial purposes before the same judge. In addition, because there is an overlap of both plaintiffs' counsel and defense counsel, conducting the cases before the same judge will make the cases easier to manage. Transfer and consolidation to one forum will conserve scarce judicial resources, avoid the potential for conflicting pre-trial results, and reduce duplicative pre-trial

² The titles of the cases that have been filed in other Districts throughout the United States are as follows: *Art's TV & Appliance v. Chunghwa Picture Tubes, LTD. et al.*, No. C-07-6416 (N.D. Cal.), filed on Dec. 19, 2007; *Benson v. Chunghwa Picture Tubes, LTD. et al.*, No. C-08-11 (E.D. Tenn.), filed on Jan. 14, 2008; *Caldwell v. Matsushita Electric Industrial Co., Ltd. et al.*, No. C-07-06303 (N.D. Cal.), filed on Dec. 13, 2007; *Carroll Cut-Rate Furniture v. Chunghwa Picture Tubes, Ltd., et al.*, No. C-08-309, (N.D. Cal.), filed on Jan 17, 2008; *Cook v. Chunghwa Picture Tubes, LTD. et al.*, No. C-08-5013 (W.D. Ark.), filed on Jan. 11, 2008; *Crago Inc. v. Chunghwa Picture Tubes et al.*, No. C-07-05944 (N.D. Cal.), filed on Nov. 26, 2007; *Figone v. LG Electronics, et al.*, No. C-07-06331 (N.D. Cal.), filed on Dec. 13, 2007; *Glanz v. Chunghwa Picture Tubes Ltd et al.*, No. C-07-4175 (D.S.C.), filed on Dec. 31, 2007; *Hawel v. Chunghwa Picture Tubes, Ltd., et al.*, No. C-07-06279 (N.D. Cal.), filed on Dec. 12, 2007; *Juetten v. Chunghwa Picture Tubes, Ltd., et al.*, No. C-07-06225 (N.D. Cal.), filed on Dec. 10, 2007; *Kushner v. Chunghwa Picture Tubes, Ltd., et al.*, No. C-08-1608 (D. Minn.), filed on Jan. 16, 2008; *Monikraft, Inc v. Chunghwa Picture Tubes, Ltd. et al.*, No. C-07-6433 (N.D. Cal.), filed on Dec. 21, 2007; *Muchnick v. Chunghwa Picture Tubes, et al.*, No. C-07-05981 (N.D. Cal.), filed on Nov. 27, 2007; *OK TV & Appliances, LLC v. Samsung Electronics Co., Ltd., et al.*, No. C-08-86 (D.N.J.), filed on Jan. 7, 2008; *Orion Home Systems, LLC v. Chunghwa Picture Tubes, Ltd. et al.*, No. C-08-178 (N.D. Calif.), filed on Jan. 10, 2008; *Pierce v. Beijing Matsushita Color CRT Co., Ltd., et al.*, No. C-08-337 (N.D. Cal.), filed on Jan. 17, 2008; *Princeton Display Technologies, Inc. v. Chunghwa Picture Tubes, Inc., et al.*, No. C-07-05713 (D.N.J.), filed on Nov. 29, 2007; *Royal Data Services, Inc. v. Samsung Electronics Co. Ltd., et al.*, No. C-08-39 (D.N.J.), filed on Jan. 2, 2008; *Slagle v. Chunghwa Picture Tubes, Ltd. et al.*, No. C-08-05 (D. Vt.), filed on Jan. 9, 2008; *Southern Office Supply, Inc. v. Chunghwa Picture Tubes, Ltd. et al.*, No. C-08-62 (N.D. Ohio), filed on Jan. 10, 2008; *Wettstein & Sons, Inc. v. Chunghwa Picture Tubes, Ltd., et al.*, No. C-07-4889 (D. Minn.), filed on Dec. 18, 2007.

labor and expense for all parties. *In re Cuisinart Food Processor Antitrust Litigation*, 506 F.Supp. 651, 655 (J.P.M.L. 1981) ("transfer under Section 1407 is . . . necessary in order to prevent duplication of discovery, eliminate the possibility of conflicting pretrial rulings, and conserve the efforts of the parties, witnesses and the judiciary"). *Accord In re Motion Picture Licensing Antitrust Litigation*, 468 F.Supp. 837, 841-42 (J.P.M.L. 1979); *In re Cement and Concrete Antitrust Litigation*, 465 F.Supp. 1299, 1300-01 (J.P.M.L. 1979).

5. PENAC agrees with the New York Direct Purchaser plaintiffs that the Southern District of New York is the most appropriate venue for the consolidated actions. The Southern District of New York was the forum selected by the first plaintiff to file a complaint, the *Kindt* indirect purchaser action, and three of the related direct purchaser actions have been filed in the district. *See In re Nortel Networks Corp. Secs. and "ERISA" Litig.*, 269 F. Supp.2d 1367 (J.P.M.L. 2003) (transferring to the district in which the first plaintiff filed a complaint). In addition, more than half of the related actions currently pending are located in districts on the eastern half of the United States, including actions pending in the Western District of Arkansas (one case); District of Minnesota (two cases), District of New Jersey (three cases), Southern District of New York (four cases); Northern District of Ohio (one case), District of South Carolina (one case), Eastern District of Tennessee (one case), District of Vermont (one case).

6. New York City is geographically convenient location for most of the parties and witnesses. *See In re Prempro Prods. Liab. Litig.*, 254 F.Supp. 2d 1366, 1368 (J.P.M.L. 2003) (taking into account "the range of locations of parties and witnesses in this docket and the geographic dispersal of current and anticipated constituent actions"). In particular, PENAC is headquartered in New York City. Other parties and witnesses who are not physically located in New York City nonetheless have easy access to the city through any of the three

airports servicing the area, two of which are international airports, several Amtrak train lines and other commuter trains. In particular, this case may involve travel to or from Europe, and New York City will be the most convenient forum for European witnesses.

7. In addition, the Southern District of New York has considerable expertise in dealing with the issues presented by complex multidistrict litigation. *See, e.g., In re Digital Music Antitrust Litig.*, 444 F.Supp.2d 1351 (J.P.M.L. 2006); *In re Elevator and Escalator Antitrust Litig.*, 350 F.Supp. 2d 1351 (J.P.M.L. 2004); *In re Pineapple Antitrust Litig.*, 342 F.Supp. 2d 1348 (J.P.M.L. 2004); *In re Oxycontin Antitrust Litig.*, 314 F.Supp. 2d 1388 (J.P.M.L. 2004); *In re Wireless Tel. Servs. Antitrust Litig.*, 249 F.Supp.2d 1379 (J.P.M.L. 2003); *In re Currency Conversion Fee Antitrust Litig.*, 176 F.Supp. 2d 1379 (J.P.M.L. 2001); *In re European Rail Pass Antitrust Litig.*, No. 1386, 2001 WL 587855 (J.P.M.L. Feb. 7, 2001); and *In re High Pressure Laminate Antitrust Litig.*, No. MDL 1368, 2000 WL 33180479 (J.P.M.L. Oct. 6, 2000). The Honorable George B. Daniels, who has been assigned the New York actions, has considerable experience in adjudicating antitrust claims and is eminently qualified to handle this litigation. Additionally, Magistrate Judge Theodore H. Katz, has been assigned to the New York cases and is also particularly experienced, capable and efficient judge. Because of the capabilities of both Judge Daniels and Magistrate Katz, and well as the general expertise of the Southern District of New York in dealing with the matters at issue in these cases, this forum is particularly suited to handle this litigation.

CLOSED

**U.S. District Court
District of Vermont (Burlington)
CIVIL DOCKET FOR CASE #: 2:08-cv-00005-wks
Internal Use Only**

Slagle v. Chunghwa Picture Tubes, Ltd. et al
Assigned to: Judge William K. Sessions III
Cause: 15:1 Antitrust Litigation

Date Filed: 01/09/2008
Date Terminated: 03/24/2008
Jury Demand: Plaintiff
Nature of Suit: 890 Other Statutory
Actions
Jurisdiction: Federal Question

Plaintiff

Margaret Slagle
*on behalf of herself and all others
similarly situated*

represented by **Mary Gilmore Kirkpatrick**
Kirkpatrick & Goldsborough, PLLC
1233 Shelburne Road, Suite E-1
South Burlington, VT 05403
(802) 651-0960
Fax: (802) 651-0964
Email: mkirk@vtlawfirm.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

V.

Defendant

Chunghwa Picture Tubes, Ltd.

Defendant

Tatung Company of America, Inc.

Defendant

L.G. Electronics, Inc.

Defendant

LG Philips Display USA, Inc.

Defendant

Matsushita Electric Industrial Co. Ltd.

Defendant

Panasonic Corporation of North America

Defendant

Koninklijke Philips Electronics N.V.

Defendant

Philips Electronics North America Corporation

Defendant

Samsung Electronics Co.

Defendant

Samsung Electronics America, Inc.

Defendant

Samsung SDI Co. Ltd.
formerly known as
Samsung Display Device Co.

Defendant

Toshiba Corporation

Defendant

Toshiba America Information Systems, Inc.

Defendant

MT Picture Display Company

Defendant

MT Picture Display Corporation of America (New York)

Defendant

MT Picture Display Corporation of America (Ohio)

Defendant

LP Displays

Defendant

Toshiba America Electronics Components Inc.

| Date Filed | # | Docket Text |
|------------|----------|--|
| 03/24/2008 | <u>4</u> | <i>CERTIFIED</i> CONDITIONAL TRANSFER ORDER (CTO-1). Case transferred to Northern District of California. (Attachments: # <u>1</u> Schedule CTO-1 - Tag-Along Actions)(law) (Entered: 03/24/2008) |
| 03/17/2008 | <u>3</u> | COPY of Letter from United States Judicial Panel on Multidistrict Litigation to Northern District of California. (Attachments: # <u>1</u> Conditional Transfer Order (CTO-1), # <u>2</u> Schedule CTO-1 - Tag-Along Actions, # <u>3</u> Involved Counsel List (CTO-1), # <u>4</u> Involved Judges List (CTO-1), # <u>5</u> Involved Clerks List (CTO-1)) (law) (Entered: 03/17/2008) |
| 01/29/2008 | <u>2</u> | RECEIVED copy on behalf of Defedant Philips Electronics North America Corporation a/k/a PENAC of the following: (Attachments: # <u>1</u> Notice of Appearance, # <u>2</u> Rule 5.3 Corporate Disclosure Statement, # <u>3</u> Response, # <u>4</u> Schedule of Actions, # <u>5</u> Certificate of Service) (law) (Entered: 02/05/2008) |
| 01/09/2008 | <u>1</u> | CLASS-ACTION COMPLAINT against all defendants filed by Margaret Slagle. (Filing fee \$350) (Attachments: # <u>1</u> Civil Cover Sheet)(law) (Entered: 01/09/2008) |

U.S. DISTRICT COURT
DISTRICT OF VERMONT
FILED

2008 JAN -9 PM 1:00

UNITED STATES DISTRICT COURT
DISTRICT OF VERMONT

MARGARET SLAGLE, on behalf of
herself and all others similarly situated,
Plaintiff,

vs.

CHUNGHWA PICTURE TUBES, LTD.;
TATUNG COMPANY OF AMERICA, INC.;
L.G. ELECTRONICS, INC.; LG PHILIPS
DISPLAY USA, INC.; MATSUSHITA
ELECTRIC INDUSTRIAL CO. LTD.;
PANASONIC CORPORATION OF NORTH
AMERICA; KONINKLIJKE PHILIPS
ELECTRONICS N.V.; PHILIPS
ELECTRONICS NORTH AMERICA
CORPORATION; SAMSUNG ELECTRONICS
CO.; SAMSUNG ELECTRONICS AMERICA,
INC.; SAMSUNG SDI CO. LTD. f/k/a
SAMSUNG DISPLAY DEVICE CO.;
TOSHIBA CORPORATION; TOSHIBA
AMERICA ELECTRONICS COMPONENTS,
INC.; TOSHIBA AMERICA INFORMATION
SYSTEMS, INC.; MT PICTURE DISPLAY
COMPANY; MT PICTURE DISPLAY
CORPORATION OF AMERICA (New York);
MT PICTURE DISPLAY CORPORATION OF
AMERICA (Ohio) and LP DISPLAYS,
Defendants.

Case No.

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a:08 cv-5

CLASS-ACTION
COMPLAINT

JURY TRIAL
DEMANDED

Plaintiff Margaret Slagle, individually and on behalf of the Class described
below, brings this action against Defendants for violation of Vermont's antitrust
laws and for unjust enrichment and alleges as follows:

NATURE OF THE CASE

1. Plaintiff brings this lawsuit as a class action on behalf of individuals
and entities who purchased indirectly cathode-ray tubes ("CRTs") and products
containing CRTs (jointly, "CRT Products") in the Vermont from Defendants
during the period from at least May 1, 1998 through the present (the "Class

Period”). CRTs are used in a number of products, including but not limited to, computer monitors and televisions. As used herein, “CRT Products” refers to CRTs and products containing CRTs manufactured by any of the Defendants or their subsidiaries or affiliates.

2. During the Class Period, Defendants’ collusive behavior artificially inflated the price of CRT Products. In particular, Defendants participated in cartel behavior and colluded to fix the prices of CRT Products.

3. Throughout the Class Period, Defendants’ conspiracy was intended to, and did, moderate the downward price pressures on CRT Products caused by the market entry and rapid penetration of more technologically advanced competitive products. As explained in further detail below, liquid crystal displays (“LCD”) and plasma display panels (“PDP”) were used in the same primary applications as CRTs and presented significant advantages over CRT Products. LCD, PDP and products containing LCD or PDP will collectively be referred to as flat panel display products (“FPD Products”). Many of the Defendants, in addition to manufacturing, distributing and selling CRT Products, were also manufacturers, distributors, and sellers of FPD Products. Defendants who participated in both the market for CRT Products and the market for FPD Products will be specifically identified below.

4. Because of Defendants’ unlawful conduct and conspiracy, Plaintiff and other members of the Class paid artificially inflated prices for CRT Products. Plaintiff and other members of the Class who purchased these products have therefore been damaged by Defendants’ illegal actions.

JURISDICTION AND VENUE

5. This Court has diversity subject-matter jurisdiction over this class action pursuant to the Class Action Fairness Act of 2005, which amends 28 U.S.C. §1332 to add a new subsection (d) conferring federal jurisdiction over class actions where, as here, “any member of a class of plaintiffs is a citizen of a State different from any defendant” and the aggregated amount in controversy exceeds \$5,000,000, exclusive of interest and costs. *See* 28 U.S.C. § 1332(d)(2) and (6). This Court also has jurisdiction under 28 U.S.C. §1332(d) because “one or more members of the class is a citizen of a state within the U.S. and one or more of the Defendants is a citizen or subject of a foreign state.” The Court also has personal jurisdiction over the parties because Plaintiff submits to the jurisdiction of the Court and Defendants systematically and continually conduct business here and throughout the U.S., including marketing, advertising, and sales directed to residents of this District.

6. Venue is proper in this District pursuant to 28 U.S.C. §1391(a) and (c) because Defendants as corporations are “deemed to reside in any judicial district in which [they are] subject to personal jurisdiction.”

PARTIES

7. Plaintiff Margaret Slagle is a Vermont resident who indirectly purchased Defendants’ CRT Products for end use during the Class Period.

8. Defendant Chunghwa Picture Tubes, Ltd. (“Chunghwa”) is a Taiwanese company with its principal place of business at 1127 Heping Road, Bade City, Taoyuan, Taiwan. It is a partially owned subsidiary of Tatung

Company, a consolidated consumer electronics and information technology company based in Taiwan. Chunghwa's Board of Directors includes representatives from Tatung Company. The Chairman of Chunghwa, Weishan Lin, is also the Chairman and General Manager of Tatung Company. During the Class Period, Chunghwa manufactured, sold, and distributed CRT Products to customers throughout the U.S., including in Vermont. Chunghwa also manufactured, distributed and sold FPD Products in the U.S., including in Vermont, during the Class Period.

9. Defendant Tatung Company of America, Inc. is a California corporation with its principal place of business at 2850 El Presidio Street, Long Beach, California. Tatung Company of America, Inc. is a wholly-owned and controlled subsidiary of Tatung Company. During the Class Period, Tatung Company of America, Inc. manufactured, sold, and distributed CRT Products to customers throughout the U.S., including in Vermont. Tatung Company of America, Inc. also manufactured, distributed and sold FPD Products in the U.S., including in Vermont, during the Class Period.

10. Defendant LG Electronics, Inc. ("LGE") is a manufacturer of CRT Products with its global headquarters located at LG Twin Towers 20, Yeouido-dong, Yeongdeungpo-gu, Seoul, Korea 150-721. During the Class Period, LGE manufactured, sold and distributed CRT Products to customers throughout the U.S., including in Vermont. LGE also manufactured, distributed and sold FPD Products in the U.S., including in Vermont, during the Class Period.

11. Defendant Matsushita Electric Industrial Co., Ltd (“Matsushita”) is a Japanese company and has its global headquarters at 1006 Kadoma, Osaka 571-8501, Japan. Matsushita is the parent company of Panasonic Corporation of North America, JVC Company of America, and Victor Company of Japan, Ltd. During the Class Period, Matsushita manufactured, sold and distributed CRT Products to customers throughout the U.S. Matsushita also manufactured, distributed and sold FPD Products in the U.S., including in Vermont, during the Class Period.

12. Defendant Panasonic Corporation of North America (“Panasonic”) is a subsidiary of Defendant Matsushita and oversees its North American business operations, including sales. Defendant Panasonic has its global headquarters at 1 Panasonic Way, Secaucus, New Jersey, 07094. During the Class Period, Panasonic manufactured, sold and distributed CRT products to customers throughout the U.S., including in Vermont. A substantial portion of the CRTs produced by MT Picture Displays Co., Matsushita’s subsidiary, went to Panasonic for Panasonic’s production of CRT Products. Panasonic also manufactured, distributed and sold FPD Products in the U.S., including in Vermont, during the Class Period.

13. Defendant Koninklijke Philips Electronics N.V. (“Koninklijke”) has its global headquarters at Breitner Center Amstelplein 2, Amsterdam 1096 BC, Netherlands. During the Class Period, Koninklijke manufactured, sold and distributed CRT Products to customers throughout the U.S., including in Vermont. Koninklijke also manufactured, distributed and sold FPD Products in the U.S., including in Vermont, during the Class Period.

14. Defendant Philips Electronics North America Corporation (“Philips Electronics NA”), is a manufacturer of CRT Products. Defendant Philips Electronics NA has its global headquarters at 1251 Avenue of the Americas, New York, New York 10020. During the Class Period, Philips Electronics NA manufactured, sold and distributed CRT Products to customers throughout the U.S., including in Vermont. Philips Electronics NA also manufactured, distributed and sold FPD Products in the U.S., including in Vermont, during the Class Period.

15. Defendant LG Philips Display USA, Inc. (“LGPD”), is a manufacturer of CRT Products and is a subsidiary of Philips Electronics NA. Defendant LG Philips Display USA, Inc. has its global headquarters at 300 W Morgan Rd, Ann Arbor, MI 48108-9108, U.S. During the Class Period, LGPD manufactured, sold and distributed CRT Products to customers throughout the U.S., including in Vermont,

16. Defendant Samsung Electronics Co., Ltd. (“Samsung Electronics”) is a Korean company with its principal place of business at Samsung Main Building, 250, Taepyeongno 2-ga, Jung-gu, Seoul 100-742, Korea. It is the world’s largest producer of CRT Products. During the Class Period, Samsung Electronics manufactured, sold, and distributed CRT Products to customers throughout the U.S., including in Vermont. Samsung Electronics also manufactured, distributed and sold FPD Products in the U.S., including in Vermont, during the Class Period.

17. Defendant Samsung SDI Co., Ltd. (“Samsung SDI”) formerly known as Samsung Display Device Co., has its global headquarters at Samsung Life Insurance Bldg 150, Seoul 100-716, Korea. During the Class Period,

Samsung SDI manufactured, sold and distributed CRT Products to customers throughout the U.S., including in Vermont. Samsung SDI also manufactured, distributed and sold FPD Products in the U.S., including in Vermont, during the Class Period.

18. Defendant Samsung Electronics America, Inc. (“Samsung America”) is a New York corporation with its principal place of business at 105 Challenger Road, Ridgefield Park, New Jersey. Samsung America is a wholly-owned and controlled subsidiary of Defendant Samsung Electronics Company, Ltd. During the class Period, Samsung America sold and distributed CRT Products manufactured by Samsung Electronics Company, Ltd. to customers throughout the U.S., including in Vermont. Samsung America also sold and distributed FPD Products in the U.S., including in Vermont, during the Class Period.

19. Defendants Samsung Electronics Company, Ltd., Samsung SDI Co., Ltd., and Samsung America are referred to collectively herein as “Samsung.”

20. Defendant Toshiba Corporation is a Japanese company with its principal place of business at 1-1, Shibaura 1-chome, Minato-ku, Tokyo 105-8001, Japan. During the Class Period, Toshiba Corporation manufactured, sold, and distributed CRT Products to customers throughout the U.S., including in Vermont. Toshiba Corporation also manufactured, distributed and sold FPD Products in the U.S., including in Vermont, during the Class Period.

21. Defendant Toshiba America Electronics Components, Inc. is a California corporation with its principal place of business at 19900 MacArthur Boulevard, Suite 400, Irvine, California. Toshiba America Electronics

Components, Inc. is a wholly-owned and controlled subsidiary of Toshiba America, Inc., a holding company for Defendant Toshiba Corporation. During the Class Period, Toshiba America Electronics Components, Inc. sold and distributed CRT Products manufactured by Toshiba Corporation to customers throughout the U.S., including in Vermont. Toshiba America Electronic Components also sold and distributed FPD Products manufactured by Toshiba Corporation in the U.S., including in Vermont, during the Class Period.

22. Defendant Toshiba America Information Systems, Inc. is a California corporation with its principal place of business at 9470 Irvine Blvd., Irvine, California. Toshiba America Information Systems, Inc. is a wholly-owned and controlled subsidiary of Toshiba America, Inc., a holding company for Defendant Toshiba Corporation. During the Class Period, Toshiba America Information Systems, Inc. sold and distributed CRT Products manufactured by Toshiba Corporation to customers throughout the U.S., including in Vermont. Toshiba America Information Systems also sold and distributed FPD Products manufactured by Toshiba Corporation in the U.S., including in Vermont, during the Class Period.

23. Defendants Toshiba Corporation, Toshiba America Electronics Components, Inc., and Toshiba America Information Systems, Inc. are referred to collectively herein as “Toshiba.”

24. Defendant MT Picture Display Company is a wholly-owned and controlled subsidiary of Defendant Matsushita organized under the laws of Japan with its principal place of business located at Rivage Shinagawa, 1-8, Konan 4-

chome, Minato-ku, Tokyo 108-0075, Japan. Prior to April 2007, MT Picture Display Company was a joint venture between Matsushita Electric Industrial Co., Ltd. and Toshiba Corporation named Matsushita Toshiba Picture Display Co. Ltd. This joint venture was created in 2003 and integrated the CRTs operations of its parents. During the Class Period, both MT Picture Display and its predecessor Matsushita Toshiba Picture Display Co. Ltd. sold and distributed CRT Products to customers throughout the U.S., including in Vermont.

25. Defendants MT Picture Display Corporation of America (New York) and MT Picture Display Corporation of America (Ohio) were subsidiaries of MT Picture Display Company. Both subsidiaries were incorporated in Maryland and with their principal place of business located at 300 East Lombard Street, Baltimore, MD 21202. During the Class Period, MT Picture Display Corporation of America (New York) and MT Picture Display Corporation of America (Ohio) sold and distributed CRT Products to customers throughout the U.S., including in Vermont.

26. Defendant LP Displays (formerly known as LG Philips Display), a joint venture between LG Electronics and Koninklijke Philips Electronics, is organized under the laws of Hong Kong with its principal place of business located at Corporate Communications, 6th Floor, ING Tower, 308 Des Voeux Road Central, Sheung Wan, Hong Kong. During the Class Period, LP Displays sold and distributed CRT Products to customers throughout the U.S., including in Vermont.

27. Defendants committed the acts alleged in this complaint through their officers, directors, agents, employees, or representatives while they were

actively engaged in the management, direction, control, or transaction of each defendant's business or affairs.

28. Defendants' unlawful and intentional concerted actions have severely damaged and will continue to damage Plaintiff and the members of the classes they seek to represent.

CO-CONSPIRATORS AND AGENCY

29. Defendants, along with certain other persons, firms, corporations and entities, are co-conspirators in the violations and conspiracies alleged in this Complaint. These co-conspirators have performed acts and made statements in furtherance of the antitrust violation and conspiracies alleged herein.

30. At all relevant times, each Defendant ratified and/or authorized the wrongful acts of each of the other Defendants. Defendants, and each of them, are individually sued as participants and as aiders and abettors in the improper acts, plans, schemes and transactions that are the subject of this Complaint. Defendants participated as numbers of the conspiracy or acted with or in furtherance of it, or aided or assisted in carrying out its purposes alleged in this Complaint, and have performed acts and made statements in furtherance of the violations and conspiracy.

31. At all times, each Defendant was the agent of the other Defendants and in committing the violations and conspiracies alleged in this Complaint was acting within the course and scope of that agency and with the permission and consent of the principals.

CLASS-ACTION ALLEGATIONS

32. Plaintiff brings this action both on behalf of herself and on behalf of the following Class pursuant to Rule 23 of the Federal Rules of Civil Procedure:

All people and business entities in Vermont that indirectly purchased CRT Products manufactured, sold, or distributed by Defendants, other than for resale, from May 1, 1990 to present.

Specifically excluded from this Class are the Defendants; the officers, directors or employees of any Defendant; any entity in which any Defendant has a controlling interest; and any affiliate, legal representative, heir or assign of any Defendant. Also excluded are any judicial officers presiding over this action.

33. Plaintiff has met the requirements of Rules 23(a), 23(b)(1), 23(b)(2), and 23(b)(3) of the Federal Rules of Civil Procedure.

34. Plaintiff does not know the exact size class, since this information is in Defendants' exclusive control. But based on the nature of the trade and commerce involved, Plaintiff believes that the class numbers in the millions and that the class members are geographically dispersed throughout Vermont. Therefore, joinder of all class members would be impracticable, and class treatment is the superior method for fairly and efficiently adjudicating this controversy.

35. Plaintiff's claims are typical of other class members' claims because Plaintiff was injured through the uniform misrepresentations and omissions described and paid supra-competitive prices for CRT Products without having been informed that he was paying illegal and improper prices. Accordingly, by proving his own claim, Plaintiff will presumptively prove the class members' claims.

36. Common legal and factual questions exist, such as:
- a. Whether Defendants conspired to fix, raise, maintain, or stabilize the prices of CRT Products marketed, distributed, and sold in Vermont;
 - b. Whether Defendants conspired to manipulate and allocate the market for CRT Products marketed, distributed, and sold in Vermont;
 - c. The existence and duration of Defendants' horizontal agreements to fix, raise, maintain, or stabilize the prices of CRT Products marketed, distributed, and sold in Vermont;
 - d. The existence and duration of Defendants' horizontal agreements to manipulate and allocate the market for CRT Products marketed, distributed, and sold in Vermont;
 - e. Whether each Defendant was a member of, or participated in, the arrangement, contract, or agreement to fix, raise, maintain, or stabilize the prices of CRT Products marketed, distributed, and sold in Vermont;
 - f. Whether each Defendant was a member of, or participated in, the arrangement, contract, or agreement to allocate the market for CRT Products marketed, distributed, and sold in Vermont;
 - g. Whether Defendants' conspiracy was implemented;
 - h. Whether Defendants took steps to conceal their conspiracy from Plaintiff and the class members;
 - i. Whether Defendants' conduct caused injury in fact to the business or property of Plaintiff and the class members, and if so, the appropriate classwide measure of damages;
 - j. Whether the agents, officers or employees of Defendants and their co-conspirators participated in telephone calls, meetings, and other communications in furtherance of their conspiracy; and
 - k. Whether the purpose and effect of the acts and omissions alleged was to fix, raise, maintain, or stabilize the prices of CRT Products marketed, distributed, and sold in Vermont, and to manipulate and allocate the market for CRT Products marketed, distributed, and sold in Vermont.

37. Plaintiff can and will fairly and adequately represent and protect the class members' interests and has no interests that conflict with or are antagonistic to the class members' interests. Plaintiff's attorneys are experienced and competent in complex-class- action and consumer-antitrust litigation.

38. Class certification of the proposed class is appropriate under Rule 23(b)(3) of the Federal Rules of Civil Procedure because a class action is the superior procedural vehicle for the fair and efficient adjudication of the claims asserted given that:

- a. Common questions of law and fact overwhelmingly predominate over any individual questions that may arise among or within the respective, alternative classes and, consequently, enormous economies to the court and parties exist in litigating the common issues on a classwide basis or, alternatively, bases, instead of on a repetitive individual basis or, alternatively, bases;
- b. Each individual class member's damage claim is too small to make individual litigation an economically viable alternative, and few class members have any interest in individually controlling the prosecution of separate actions;
- c. Class treatment is required for optimal deterrence and compensation and for limiting the court-awarded reasonable legal expenses incurred by class members; and
- d. Despite the relatively small size of each individual class member's claim, the aggregate volume of their claims, whether considered in one class, coupled with the economies of scale inherent in litigating similar claims on a common basis, will enable this case to be litigated as a class action on a cost effective basis, especially when compared with repetitive individual litigation, and no unusual difficulties are likely to be encountered in this class action's management in that all legal and factual questions are common to the class or, alternatively, classes.

39. Class certification is appropriate pursuant to Rule 23(b)(1) of the Federal Rules of Civil Procedure because prosecution of separate actions would create a risk of adjudication with respect to individual class members, which may as a practical matter, dispose of other class members' interests who aren't parties to the adjudication or which may substantially impair or impede their ability to protect their interests. Separate actions prosecuted by individual class members would also create a risk of inconsistent or varying adjudications, which would establish incompatible standards of conduct for Defendants.

40. Class certification is appropriate under Rule 23(b)(2) of the Federal Rules of Civil Procedure because Defendants have acted on grounds generally applicable to the class' members.

41. Plaintiff's claims are typical of the associated class members' claims because Defendants injured Plaintiff and the class members in the same manner (i.e., Plaintiff and the class members were forced to pay supra-competitive prices for CRT Products).

TRADE AND COMMERCE

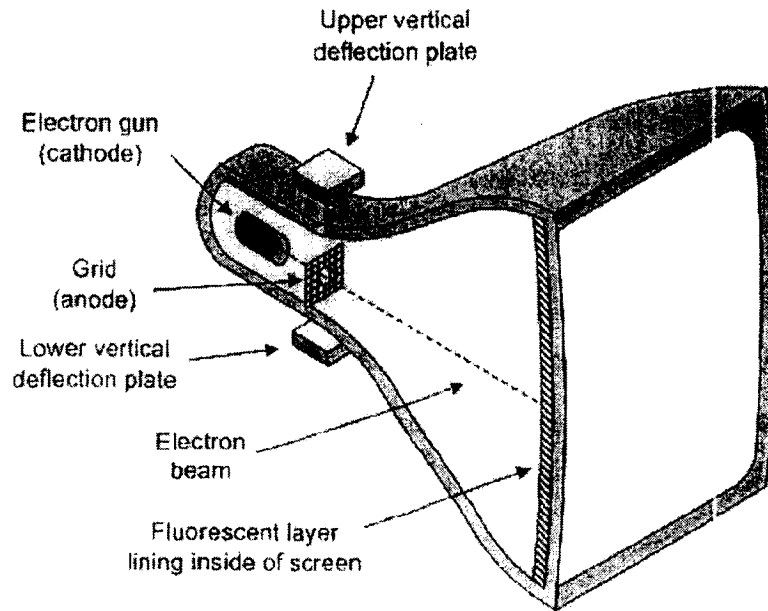
42. During the Class Period, each Defendant, or one or more of its subsidiaries, sold CRT Products in the U.S., including into Vermont, in a continuous and uninterrupted flow of interstate commerce and foreign commerce, including through and into this judicial district.

43. The business activities of the Defendants substantially affected interstate trade and commerce in the U.S., including Vermont, and caused antitrust injury in the U.S., including in Vermont.

FACTUAL ALLEGATIONS

A. CRT Technology

44. CRT technology has been in use for more than 100 years. The basic cathode-ray tube consists of three elements: The envelope, the electron gun, and the phosphor screen.



Cross-sectional representation of a cathode ray tube

Source: DIYcalculator.com, available at www.diycalculator.com/sp-console.shtml.

45. CRTs are manufactured in several standard sizes, including 17 inch, 19 inch, 27 inch, and 32 inch. CRTs manufactured by Defendants are interchangeable with one another.

B. Trends within the CRT Products Market and Increased Competition from FPD Products

46. The worldwide market for CRT Products is and has been large. In 1997, the worldwide CRTs market exceeded \$24 billion in sales.

47. At the beginning of the Class Period, CRTs were the dominant display technology worldwide. For example, in 1997, 99.3% of all computer monitors sold worldwide contained CRTs. In 2005, approximately 47 million CRT monitors were sold worldwide, and approximately 20.3% of these were sold in the U.S.

48. Although the value of all display materials shipped worldwide is projected to rise at an average annual growth rate of 12.8% by 2010, worldwide demand for CRT Products is declining overall because of the growing popularity of FPD Products which are being used in place of CRT Products.

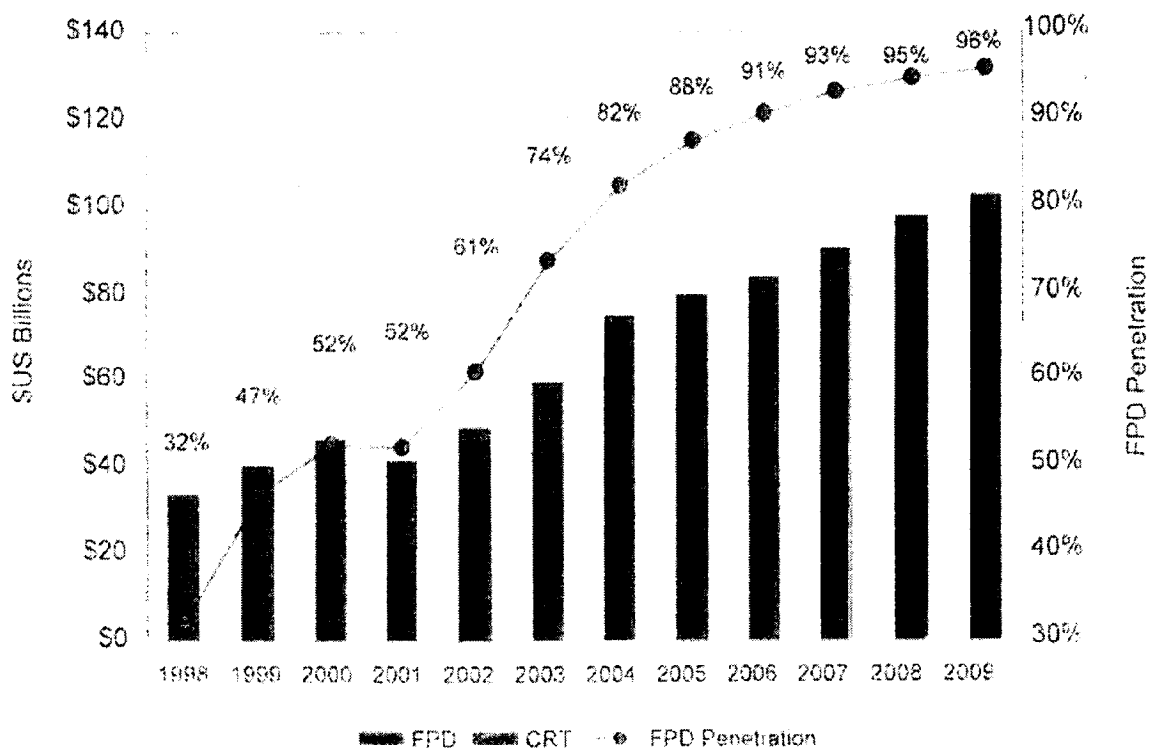
(<http://www.bccresearch.com/RepTemplate.cfm?reportID=552&RepDet=HLT&cat=smc&target=repdet...11/13/2007>). CRT Products' share of the market declined precipitously in the U.S. where FPD Products achieved more rapid market penetration.

49. FPD Products may be used to produce the same image as CRT Products but also have many important advantages over CRT Products. For example, FPD Products are less bulky, require less energy, are easier to read, and do not flicker.

50. In 1995, recognizing the increasing significance of FPD technologies, Korean manufacturers Samsung and LG Electronics entered the FPD Product market, leading to a surge in FPD Product manufacturing capacity.

51. The market share of CRT Products declined as other newer technologies emerged and were brought to market. As demonstrated in the chart

below, by 1998, FPD Products had already achieved 32% of the U.S. market for CRT Products. Penetration by FPD Products is projected to reach 96% by 2009. FPD Products' global penetration has not been as dramatic as it was in the U.S. due to the continued popularity of lower-priced CRT Products in China, India, and South America.



Source: David Hsieh, *Flat Panel Display Market Outlook*, DisplaySearch Presentation, Nov. 5, 2005.

52. CRT TVs currently account for only a minority share of television set revenues in North America (37.3%), Japan (9.5%) and Europe (31.0%).

Naranjo, *The Global Television Market*, DisplaySearch Report, p. 19.

53. During the Class Period, while demand for CRT Products continued to fall in the U.S., Defendants' conspiracy was effective in moderating the normal

downward pressures on prices for CRT Products caused by the entry of the new generation of competing technologies. Indeed, during the Class Period, there were not only periods of unnatural and sustained price stability, but there were also inexplicable increases in the prices of CRTs, despite declining demand due to approaching obsolescence of CRTs caused by the emergence of a new, superior, substitutable technology.

54. These periods of price stability and price increases for CRTs are fundamentally inconsistent with a competitive market for a product where demand is rapidly decreasing because of the introduction of new superior technologies.

C. Structure of the CRT Product Industry

55. The CRT Product industry is characterized by a number of structural features that facilitate collusion, including market concentration, the consolidation of manufacturers, multiple interrelated business relationships, significant barriers to entry, and interchangeability of products.

56. Defendant Samsung SDI has the largest market share of any CRT Products manufacturer at this point in time. In 2000, Defendant Samsung SDI had 18% of the global CRTs market. In 2002, Samsung SDI had 21.8% of the global market for CRT monitors. In 2004, Samsung SDI had a 30% share of the global CRTs market.

57. Defendant LP Displays (formerly LG.Philips Displays) has the second largest share of the CRTs market. In 2004, LG.Philips Displays held 27% of the global market for CRT.

58. Defendant MT Picture Display (formerly Matsushita Toshiba Display Co.) is also a major player in the CRTs market. In 2004, Matsushita Toshiba Picture Display Co. held 9% of the global market for CRTs.

59. Defendant Chunghwa Picture Tubes held 21.7% of the global CRTs market in 1999.

60. In 2004, Defendants Samsung SDI, LP Displays, MT Picture Display, and Chunghwa Picture Tubes maintained a collective 78% of the global CRTs market.

61. The market for CRT Products is subject to high manufacturing and technological barriers to entry. Efficient fabrication plants are large and costly and require years of research, development and construction. Technological advances have caused Defendants to undertake significant research and development expenses.

62. The CRT Products market has also been subject to substantial consolidation and multiple interrelated business relationships during the Class Period. Matsushita Electric Industrial Co. Ltd. and Toshiba Corporation combined their efforts by forming Defendant MT Picture Display Company. At the time of the formation of MT Picture Display, Matsushita and Toshiba had been the fourth and sixth largest CRT manufacturers in the world. This joint venture combined the entire CRT operations of both parent companies. MT Picture Display Company specialized in the manufacture of CRTs above 30 inches, supplying some 950,000 units annually to the North American market.

63. In November 2000, Defendants LG Electronics and Koninklijke Philips Electronics agreed to enter a 50/50 joint venture that merged their CRT operations. The resulting joint venture, originally named LG.Philips Displays, and renamed LP Displays in 2007, entered the market with a 25% share, making it the second largest CRTs manufacturer only behind Samsung SDI at the time.

64. In 2005, Samsung SDI and LG.Philips Displays entered into an agreement to share parts with respect to CRTs in an effort to boost their combined market share.

65. Defendants sell their CRT Products through various channels, including to manufacturers of electronic products and devices, and to resellers of CRT Products, and incorporate CRTs into their own manufactured products, which are then sold directly to consumers.

D. International Antitrust Investigations

66. Competition authorities in the U.S., Europe, Japan and South Korea recently engaged in coordinated actions, including raids, targeting the unlawful CRT Products cartel alleged in this Complaint. On November 9, 2007, the Reuters news agency reported:

Antitrust authorities in Europe and Asia raided a Matsushita Electric Industrial Co. Ltd. unit and other cathode ray tube makers on suspicion of price fixing, weighing in on the share of the Panasonic maker.

* * *

Matsushita confirmed Japan's Fair Trade Commission (FTC) had begun a probe of its cathode ray tube unit. MT Picture Display Co. Ltd., while Samsung SDI Co. Ltd. said South Korea's FTC had started an investigation into its CRT business.

www.reuters.com/article/mergersNews/idUSL0890850720071109.

67. On November 9, 2007, the European Commission confirmed in Brussels that “on November 8 Commission officials carried out unannounced inspections at the premises of manufacturers of cathode ray tubes.” The European Commission’s announcement continued stating, “The Commission has reason to believe that the companies concerned may have violated EC Treaty rules on cartels and restrictive business practices.”

68. On November 12, 2007, Chunghwa Picture Tubes, Ltd. confirmed that it had received a subpoena from a California district court relating to CRTs. A federal grand jury operating under the auspices of the U.S. Department of Justice, Antitrust Division (“DOJ”) through its San Francisco office issued the subpoena.

69. On November 21, 2007, Koninklijke Philips Electronics, N.V. reported that it and its joint venture with LG Electronics, LP Displays, are also targets of the coordinated investigation into collusive practices and other antitrust violations in the CRTs market.

70. The Defendants include known recidivist antitrust violators. Samsung, for example, was fined \$300 million by the DOJ in October 2005 for participating in a conspiracy to fix prices for Dynamic Random Access Memory. It is also under investigation by the DOJ (along with some of the other Defendants, including Toshiba) for fixing prices of Static Random Access Memory. Samsung and Toshiba are also being investigated for collusion among manufacturers of NAND flash memory.

71. Several Defendants, including Samsung and a joint venture between LG Electronics and Koninklijke Philips Electronics, are targets of a coordinated investigation by the DOJ and antitrust authorities in Europe, Japan and South Korea in connection with anticompetitive conduct in the market for LCD Products. Because LCD Products and CRT Products are used in the same primary applications, collusion with respect to CRT Product prices would bolster these same Defendants' LCD pricing cartel. Keeping CRTs prices artificially inflated also would serve both to increase profits on remaining CRTs sales while protecting LCD prices.

FRAUDULENT CONCEALMENT

72. Plaintiff and members of the Class did not discover and could not discover through the exercise of reasonable diligence the existence of the conspiracy alleged herein any earlier than November 9, 2007 when it was first publicly reported that manufacturers of CRT Products were under investigation by antitrust authorities in Europe, Japan, and South Korea for conspiring to fix the prices of CRT Products.

73. Because Defendants' agreements, understandings, and conspiracies were kept secret until November 9, 2007, Plaintiff and members of the Class before that time were unaware of Defendants' unlawful conduct alleged herein, and they did not know before that time they were paying artificially high prices for CRT Products throughout the U.S., including in Vermont, during the Class Period.

74. The affirmative acts of the Defendants alleged herein, including acts in furtherance of the conspiracy, were wrongfully concealed and carried out in a manner that precluded detection.

75. By its very nature, Defendants' price fixing conspiracy was inherently self-concealing. The CRT industry is not exempt from antitrust regulation, and thus, before November 9, 2007, Plaintiff reasonably considered it to be a well-regulated competitive industry.

76. In the context of the circumstances surrounding Defendants' pricing practices, Defendants' acts of concealment were more than sufficient to preclude suspicion by a reasonable person that Defendants' pricing was collusive and conspiratorial. Accordingly, a reasonable person under the circumstances would not have been alerted to investigate the legitimacy of Defendants' prices before November 9, 2007.

77. Plaintiff and members of the Class could not have discovered the alleged contract, conspiracy, or combination at an earlier date by the exercise of reasonable diligence because of the deceptive practices and techniques of secrecy employed by the Defendants and their co-conspirators to avoid detection of, and fraudulently conceal, their contract, combination, or conspiracy.

78. Because the alleged conspiracy was both self-concealing and affirmatively concealed by Defendants and their co-conspirators, Plaintiff and members of the Class had no knowledge of the alleged conspiracy, or of any facts or information that would have caused a reasonably diligent person to investigate whether a conspiracy existed, until November 9, 2007, when reports of the

investigations into price fixing in the CRT industry were first publicly disseminated.

79. None of the facts or information available to Plaintiff and members of the Class prior to November 9, 2007, if investigated with reasonable diligence, could or would have led to the discovery of the conspiracy alleged herein prior to November 9, 2007.

80. As a result of the self-concealing nature of the conspiracy and the active concealment of the conspiracy by Defendants and their co-conspirators, any and all applicable statutes of limitations otherwise applicable to the allegations herein have been tolled.

COUNT I
VIOLATION OF THE VERMONT ANTITRUST ACT

81. Plaintiff incorporates and re-alleges paragraphs 1 – 80.

82. From May 1, 1998 through present, Defendants engaged in an unfair method of competition in Vermont commerce and in unfair or deceptive acts or practices in Vermont commerce by conspiring to fix CRT Products' prices and to allocate CRT Products' customers and markets. Defendants' conspiracy lessened full and free competition in CRT Products' importation and sale into Vermont and controlled their costs, which violated 9 Vt. Stat. Ann. §2451 *et seq.*

83. Defendants' conspiracy caused them to (a) fix, raise, maintain, and stabilize CRT Products prices; (b) allocate CRT Products customers and markets; and (c) caused Plaintiff and the other Vermont class members to pay higher prices for CRT Products that they indirectly purchased from Defendants.

COUNT II
UNJUST ENRICHMENT

88. Plaintiff repeats and re-alleges paragraphs 1 through 80.

89. As the result of Defendants' illegal agreement, contract, combination, and conspiracy, Plaintiff and the class members conferred a benefit upon Defendants, and Defendants received and retained this benefit under such circumstances that it would be inequitable and unconscionable to permit Defendants to retain this benefit without paying its reasonable value to Plaintiff and the class members.

90. As a direct and proximate result of Defendants' unjust enrichment, Plaintiff and the class members suffered injury and seek an order directing Defendants to return to them the amount each of them improperly paid to Defendants, plus interest.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff requests that this Court enter judgment in the class members' favor and against Defendants, as follows:

- A. That this Court determine that this action may be maintained as a class action under Rule 23 of the Federal Rules of Civil Procedure and certify the Vermont class;
- B. That this Court rule that Defendants' conspiracy violated Vermont law and that compensatory damages, including treble damages, are appropriate;
- C. That this Court determine that Defendants were unjustly enriched;
- D. That this Court permanently enjoin Defendants from conspiring to fix CRT Products' prices and allocating CRT Products' markets or other injunctive relief as this Court deems appropriate;

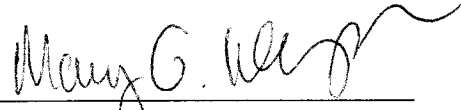
- E. That this Court award Plaintiff post-judgment interest, his costs, and reasonable attorneys' fees; and
- F. That this Court order any other relief as it deems just and proper.

JURY DEMAND

Plaintiff demands trial by jury on all triable issues.

Dated: January 9, 2008

Respectfully submitted,



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Attorneys for Plaintiff and the Class

26393-001

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CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

I. (a) PLAINTIFFS

MARGARET SLAGLE, on behalf of herself and all others similarly situated,

(b) County of Residence of First Listed Plaintiff CHITTENDEN, VT
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorney's (Firm Name, Address, and Telephone Number)

Mary G. Kirkpatrick, Esq.; Kirkpatrick & Goldsborough, PLLC
1233 Shelburne Rd., Ste. E-1; So. Burlington, VT 05403 (802-651-0960)

DEFENDANTS

CHUNGHWA PICTURE TUBES, LTD., et al.

County of Residence of First Listed Defendant TAIWAN
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE LAND INVOLVED.

Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
- ☐ 2 U.S. Government Defendant
- ☐ 3 Federal Question (U.S. Government Not a Party)
- ☒ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | | | | | |
|---|---------------------------------------|----------------------------|---|----------------------------|---------------------------------------|
| | PTF | DEF | | PTF | DEF |
| Citizen of This State | <input checked="" type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input checked="" type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)

| CONTRACT | TORTS | FORFEITURE/PENALTY | BANKRUPTCY | OTHER STATUTES |
|--|--|--|--|---|
| <input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise | PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury | <input type="checkbox"/> 362 Personal Injury - Med. Malpractice <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability | <input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark | <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input checked="" type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes |
| REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property | CIVIL RIGHTS <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 440 Other Civil Rights | PRISONER PETITIONS <input type="checkbox"/> 510 Motions to Vacate Sentence Habeas Corpus: <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition | LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act | SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609 |

V. ORIGIN

(Place an "X" in One Box Only)

- ☒ 1 Original Proceeding
- ☐ 2 Removed from State Court
- ☐ 3 Remanded from Appellate Court
- ☐ 4 Reinstated or Reopened
- ☐ 5 Transferred from another district (specify)
- ☐ 6 Multidistrict Litigation
- ☐ 7 Appeal to District Judge from Magistrate Judgment

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):
15 U.S.C. 1

Brief description of cause:
Class Action

VII. REQUESTED IN COMPLAINT:

☒ CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23

DEMAND \$

CHECK YES only if demanded in complaint:

JURY DEMAND: ☒ Yes ☐ No

VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE

DOCKET NUMBER

DATE

SIGNATURE OF ATTORNEY OF RECORD

FOR OFFICE USE ONLY

RECEIPT #

AMOUNT

350

APPLYING IFP

JUDGE

1011

MAG. JUDGE

4682000798

2:08-cv-5

CLOSED

**U.S. District Court
District of Vermont (Burlington)
CIVIL DOCKET FOR CASE #: 2:08-cv-00005-wks
Internal Use Only**

Slagle v. Chunghwa Picture Tubes, Ltd. et al
Assigned to: Judge William K. Sessions III
Cause: 15:1 Antitrust Litigation

Date Filed: 01/09/2008
Date Terminated: 03/24/2008
Jury Demand: Plaintiff
Nature of Suit: 890 Other Statutory
Actions
Jurisdiction: Federal Question

Plaintiff

Margaret Slagle
*on behalf of herself and all others
similarly situated*

represented by **Mary Gilmore Kirkpatrick**
Kirkpatrick & Goldsborough, PLLC
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(802) 651-0960
Fax: (802) 651-0964
Email: mkirk@vtlawfirm.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

V.

Defendant

Chunghwa Picture Tubes, Ltd.

Defendant

Tatung Company of America, Inc.

Defendant

L.G. Electronics, Inc.

Defendant

LG Philips Display USA, Inc.

Defendant

Matsushita Electric Industrial Co. Ltd.

Defendant

**Panasonic Corporation of North
America**

Defendant

Koninklijke Philips Electronics N.V.

Defendant

**Philips Electronics North America
Corporation**

Defendant

Samsung Electronics Co.

Defendant

Samsung Electronics America, Inc.

Defendant

Samsung SDI Co. Ltd.

formerly known as

Samsung Display Device Co.

Defendant

Toshiba Corporation

Defendant

**Toshiba America Information Systems,
Inc.**

Defendant

MT Picture Display Company

Defendant

**MT Picture Display Corporation of
America (New York)**

Defendant





**MT Picture Display Corporation of
America (Ohio)**

Defendant

LP Displays

Defendant

**Toshiba America Electronics
Components Inc.**

| Date Filed | # | Docket Text |
|------------|---|---|
| 03/24/2008 |  4 | <i>CERTIFIED</i> CONDITIONAL TRANSFER ORDER (CTO-1). Case transferred to Northern District of California. (Attachments: # 1 Schedule CTO-1 - Tag-Along Actions)(law) (Entered: 03/24/2008) |
| 03/17/2008 |  3 | COPY of Letter from United States Judicial Panel on Multidistrict Litigation to Northern District of California. (Attachments: # 1 Conditional Transfer Order (CTO-1), # 2 Schedule CTO-1 - Tag-Along Actions, # 3 Involved Counsel List (CTO-1), # 4 Involved Judges List (CTO-1), # 5 Involved Clerks List (CTO-1)) (law) (Entered: 03/17/2008) |
| 01/29/2008 |  2 | RECEIVED copy on behalf of Defedant Philips Electronics North America Corporation a/k/a PENAC of the following: (Attachments: # 1 Notice of Appearance, # 2 Rule 5.3 Corporate Disclosure Statement, # 3 Response, # 4 Schedule of Actions, # 5 Certificate of Service) (law) (Entered: 02/05/2008) |
| 01/09/2008 |  1 | CLASS-ACTION COMPLAINT against all defendants filed by Margaret Slagle. (Filing fee \$350) (Attachments: # 1 Civil Cover Sheet)(law) (Entered: 01/09/2008) |

January 22, 2008

File 04008.0248

BY COURIER

Jeffrey N. Lüthi
Clerk of the Panel
Judicial Panel on Multidistrict Litigation
Thurgood Marshall Federal Judiciary
Building One Columbus Circle, NE
Room G-255, North Lobby
Washington, DC 20002-8004

RECEIVED
BURLINGTON, VT

JAN 29 2008
2:08-cv-5
CLERK'S OFFICE
U.S. DISTRICT COURT

Re: IN RE: Cathode Ray Tube (CRT) Antitrust Litigation – MDL No. 1917

Dear Mr. Lüthi :

Enclosed for filing on behalf of Defendant Philips Electronics North America Corporation a/k/a PENAC, please find for filing an original and four (4) copies of the following documents which relate to the above-captioned matter:

- (1) Notice of Appearance;
- (2) Notice of Presentation or Waiver of Oral Argument
- (3) Rule 5.3 Corporate Disclosure Statement;
- (4) Philips Electronics North America Corporation's Interested Party Response to: (1) Plaintiff Crago, Inc.'s Motion for Transfer of Actions to the Northern District of California for Coordinated or Consolidated Pretrial Proceedings Pursuant to 28 U.S.C. § 1407, and (2) New York Direct Purchaser Plaintiff's Motion for Transfer of Actions to the Southern District of New York Pursuant to 28 U.S.C. § 1407 for Coordinated or Consolidated Pretrial Proceedings, (3) Plaintiff Princeton Display Technologies, Inc.'s Motion for Transfer and Consolidation of Related Antitrust Actions to the District of New Jersey Pursuant to 28 U.S.C. § 1407, (4) Plaintiff Glanz's Interested Party Response Concurring in the 28 U.S.C. Motion to Transfer but Seeking Transfer and Consolidation in the District of South Carolina; and (5) Plaintiff Wettstein & Sons, Inc.'s Interested Party Response Concurring in the 28 U.S.C. Motion to Transfer but Seeking Transfer and Consolidation in the District of Minnesota; Schedule of Actions;
- (5) Schedule of Actions; and

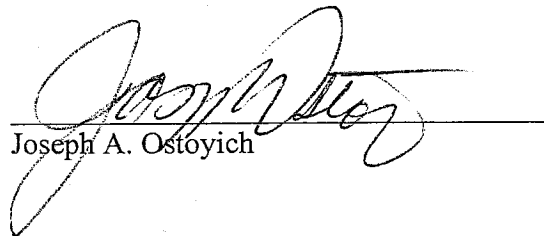
January 22, 2008
Page 2

(6) Certificate of Service.

Also enclosed is a compact disk which contains copies of the above-referenced documents in PDF format.

Respectfully submitted,

HOWREY LLP



Joseph A. Ostoyich

Enclosures

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JAN 22 2008
08cv5
U.S. DISTRICT COURT
BURLINGTON, VT

BEFORE THE JUDICIAL PANEL
ON MULTIDISTRICT LITIGATION

IN RE: CATHODE RAY TUB (CRT)
ANTITRUST LITIGATION

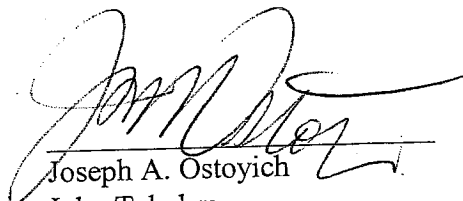
MDL DOCKET NO. 1917

NOTICE OF APPEARANCE ON BEHALF OF
PHILIPS ELECTRONICS NORTH AMERICA CORPORATION

Pursuant to Rule 5.2(c) of the Rules of Procedure of the Judicial Panel on Multidistrict Litigation, Defendant Philips Electronics North America Corporation, designates the undersigned attorney, Joseph A. Ostoyich, to receive service at the address set forth below all pleadings, notices, orders and other papers relating to practice before the Judicial Panel on Multidistrict Litigation in this proceeding.

DATED: January 22, 2008

HOWREY LLP



Joseph A. Ostoyich

John Taladay

Ethan E. Litwin

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litwine@howrey.com

LIST OF ACTIONS

| Case Name | Docket | Filed |
|---|-------------------|------------|
| Arch Electronics, Inc. v. LG Electronics, Inc., et al. | S.D.N.Y. 07-10664 | 11/29/2007 |
| Art's TV & Appliance v. Chunghwa Picture Tubes, LTD. et al | N.D. Cal. 07-6416 | 12/19/2007 |
| Benson v. Chunghwa Picture Tubes, LTD. et al. | E.D. Tenn. 08-11 | 1/14/2008 |
| Caldwell v. Matsushita Electric Industrial Co., Ltd., et al. | N.D. Cal. 07-6303 | 12/13/2007 |
| Carroll Cut-Rate Furniture v. Chunghwa Picture Tubes. Ltd.. Et al. | N.D. Cal. 08-309 | 1/16/2008 |
| Cook v. Chunghwa Picture Tubes, LTD. et al | W.D. Ark. 08-5013 | 1/11/2008 |
| Crago, Inc. v. Chunghwa Picture Tubes, LTD. et al | N.D. Cal. 07-5944 | 11/26/2007 |
| Figone v. LG Electronics, Inc., et al. | N.D. Cal. 07-6331 | 12/13/2007 |
| Glanz v. Chunghwa Picture Tubes Ltd et al | D.S.C. 07-4175 | 12/31/2007 |
| Hawel v. Chungwa Picture Tubes, Ltd., et al. | N.D. Cal. 07-6279 | 12/12/2007 |
| Industrial Computing, Inc. v. Chungwa Picture Tubes, Ltd., et al. | S.D.N.Y. 07-11203 | 12/13/2007 |
| Juetten v. Chungwa Picture Tubes, Ltd., et al. | N.D. Cal. 07-6225 | 12/10/2007 |
| Kindt v. Matsushita Electric Industrial Co, LTD. | S.D.N.Y. 07-10322 | 11/13/2007 |
| Kushner et al v. Chunghwa Picture Tubes, Ltd. et al | D. Minn. 08-1608 | 1/16/2008 |
| Meijer, Inc., et al. v. LG Electronics, Inc., et al. | S.D.N.Y. 07-10674 | 11/29/2007 |
| Monikraft, Inc v. Chunghwa Picture Tubes, LTD. et al | N.D. Cal. 07-6433 | 12/21/2007 |
| Muchnick, Inc. v. Chungwa Picture Tubes, Ltd., et al. | N.D. Cal. 07-5981 | 11/27/2007 |
| Ok TV & Appliances, LLC v. Samsung Electronics Co., Ltd., et al. | D.N.J. 08-86 | 1/7/2008 |
| Orion Home Systems, LLC v. Chunghwa Picture Tubes, LTD. et al | N.D. Cal. 08-178 | 1/10/2008 |
| Pierce v. Beijing-Matsushita Color CRT Co., Ltd., et al. | N.D. Cal. 08-337 | 1/17/2008 |
| Princeton Display Technologies, Inc. v. Chungwa Picture Tubes, Ltd., et al. | D.N.J. 07-5713 | 11/29/2007 |
| Royal Data Services, Inc. v. Samsung Electronics Co. Ltd., et al. | D.N.J. 08-39 | 1/2/2008 |
| Slagle v. Chunghwa Picture Tubes, Ltd. et al | D. Ver. 08-05 | 1/9/2008 |
| Southern Office Supply, Inc. v. Chunghwa Picture Tubes, LTD. et al | N.D. Ohio 08-62 | 1/10/2008 |
| Wettstein & Sons, Inc. v. Chunghwa Picture Tubes, Ltd., et al. | D. Minn. 07-4889 | 12/18/2007 |

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JAN 29 2003

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U.S. DISTRICT COURT
BURLINGTON, VT

BEFORE THE JUDICIAL PANEL
ON MULTIDISTRICT LITIGATION

IN RE: CATHODE RAY TUB (CRT)
ANTITRUST LITIGATION

MDL DOCKET NO. 1917

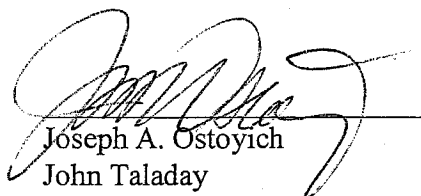
PANEL RULE 5.3 CORPORATE DISCLOSURE STATEMENT

Pursuant to Rule of Procedure 5.3 of the Rules of Procedure of the Judicial Panel on Multidistrict Litigation, Defendant Philips Electronics North America Corporation states as follows:

- 1) Philips Electronics North America Corporation's parent corporation is Philips Holding USA Inc. Philips Holding USA Inc.'s parent corporation is Koninklijke Philips Electronics N.V.
- 2) No public company owns 10% or more of Philips Electronics North America Corporation.

DATED: January 22, 2008

HOWREY LLP



Joseph A. Ostoyich

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litwine@howrey.com

*Attorneys for Defendant Philips
Electronics North America Corporation*

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JAN 29 2003
08cv5
U.S. DISTRICT COURT
BURLINGTON, VT

BEFORE THE JUDICIAL PANEL
ON MULTIDISTRICT LITIGATION

IN RE: CATHODE RAY TUBE (CRT)
ANTITRUST LITIGATION

MDL DOCKET NO. 1917

INTERESTED PARTY RESPONSE OF PHILIPS ELECTRONICS NORTH AMERICA CORPORATION TO (1) PLAINTIFF CRAGO, INC.'S MOTION FOR TRANSFER OF ACTIONS TO THE NORTHERN DISTRICT OF CALIFORNIA FOR COORDINATED OR CONSOLIDATED PRETRIAL PROCEEDINGS PURSUANT TO 28 U.S.C. § 1407, (2) NEW YORK DIRECT PURCHASER PLAINTIFFS' MOTION FOR TRANSFER OF ACTIONS TO THE SOUTHERN DISTRICT OF NEW YORK PURSUANT TO 28 U.S.C. § 1407 FOR COORDINATED OR CONSOLIDATED PRETRIAL PROCEEDINGS, (3) PLAINTIFF PRINCETON DISPLAY TECHNOLOGIES, INC.'S MOTION FOR TRANSFER AND CONSOLIDATION OF RELATED ANTITRUST ACTIONS TO THE DISTRICT OF NEW JERSEY PURSUANT TO 28 U.S.C. § 1407, (4) PLAINTIFF GLANZ'S INTERESTED PARTY RESPONSE CONCURRING IN THE 28 U.S.C. MOTION TO TRANSFER BUT SEEKING TRANSFER AND CONSOLIDATION IN THE DISTRICT OF SOUTH CAROLINA; AND (5) PLAINTIFF WETTSTEIN & SONS, INC.'S INTERESTED PARTY RESPONSE SEEKING TRANSFER AND CONSOLIDATION OF RELATED ANTITRUST ACTIONS TO THE DISTRICT OF MINNESOTA PURSUANT TO 28 U.S.C. § 1407

Pursuant to Rule 7.2(c) of the Rules of Procedure of the Judicial Panel on Multidistrict Litigation, defendant Philips Electronics North America ("PENAC") hereby responds to (1) Plaintiff Crago, Inc.'s Motion for Transfer of Actions to the Northern District of California for Coordinated or Consolidated Pretrial Proceedings Pursuant to 28 U.S.C. § 1407, and (2) New York Direct Purchaser Plaintiff's Motion for Transfer of

Actions to the Southern District of New York Pursuant to 28 U.S.C. § 1407 for Coordinated or Consolidated Pretrial Proceedings, (3) Plaintiff Princeton Display Technologies, Inc.'s Motion for Transfer and Consolidation of Related Antitrust Actions to the District of New Jersey Pursuant to 28 U.S.C. § 1407, (4) Plaintiff Glanz's Interested Party Response Concurring in the 28 U.S.C. Motion to Transfer but Seeking Transfer and Consolidation in the District of South Carolina; and (5) Plaintiff Wettstein & Sons, Inc.'s Interested Party Response Concurring in the 28 U.S.C. Motion to Transfer but Seeking Transfer and Consolidation in the District of Minnesota, respectively filed with the panel on or about November 29, 2007, December 5, 2007, December 21, 2007, January 9, 2008, January 11, 2008 as follows:

1. In making this submission, PENAC does not waive, and expressly reserve, all defenses in the underlying actions, including without limitation personal jurisdiction and ineffective service of process.

2. As of the time of this filing, at least four substantially similar cases are pending in the Southern District of New York. These cases are all antitrust class actions on behalf of direct or indirect purchasers and allege price fixing of Cathode Ray Tube ("CRT") products.¹

3. As of the time of this filing, at least twenty-one substantially similar cases are pending in eight other Districts across the United States. These cases are

¹ The titles of the cases that have been filed in the Southern District of New York are as follows: *Arch Electronics, Inc. v. LG Electronics, Inc., et al.*, No. C-07-10664 (S.D.N.Y.), filed on Nov. 29, 2007; *Industrial Computing, Inc. v. Chunghwa Picture Tubes, Ltd., et al.*, No. C-07-11203 (S.D.N.Y.) filed on Dec. 13, 2007; *Kindt v. Matsushita Electric Co., et al.*, No. C-07-10322 (S.D.N.Y.) filed on Nov. 13, 2007; and *Meijer Inc., et al. v. LG Electronics, et al.*, No. C-07-10674 (S.D.N.Y.) filed on Nov. 29, 2007.

also all antitrust class actions by direct or indirect purchasers alleging price fixing of CRT products.²

4. PENAC agrees that consolidation of the CRT cases pursuant to 28 U.S.C. § 1407 is appropriate. The cases concern many of the same parties and similar allegations of purported events. There will be substantial efficiencies if the cases are conducted for pre-trial purposes before the same judge. In addition, because there is an overlap of both plaintiffs' counsel and defense counsel, conducting the cases before the same judge will make the cases easier to manage. Transfer and consolidation to one forum will conserve scarce judicial resources, avoid the potential for conflicting pre-trial results, and reduce duplicative pre-trial

² The titles of the cases that have been filed in other Districts throughout the United States are as follows: *Art's TV & Appliance v. Chunghwa Picture Tubes, LTD. et al.*, No. C-07-6416 (N.D. Cal.), filed on Dec. 19, 2007; *Benson v. Chunghwa Picture Tubes, LTD. et al.*, No. C-08-11 (E.D. Tenn.), filed on Jan. 14, 2008; *Caldwell v. Matsushita Electric Industrial Co., Ltd. et al.*, No. C-07-06303 (N.D. Cal.), filed on Dec. 13, 2007; *Carroll Cut-Rate Furniture v. Chunghwa Picture Tubes, Ltd., et al.*, No. C-08-309, (N.D. Cal.), filed on Jan 17, 2008; *Cook v. Chunghwa Picture Tubes, LTD. et al.*, No. C-08-5013 (W.D. Ark.), filed on Jan. 11, 2008; *Crago Inc. v. Chunghwa Picture Tubes et al.*, No. C-07-05944 (N.D. Cal.), filed on Nov. 26, 2007; *Figone v. LG Electronics, et al.*, No. C-07-06331 (N.D. Cal.), filed on Dec. 13, 2007; *Glanz v. Chunghwa Picture Tubes Ltd et al.*, No. C-07-4175 (D.S.C.), filed on Dec. 31, 2007; *Hawel v. Chunghwa Picture Tubes, Ltd., et al.*, No. C-07-06279 (N.D. Cal.), filed on Dec. 12, 2007; *Juetten v. Chunghwa Picture Tubes, Ltd., et al.*, No. C-07-06225 (N.D. Cal.), filed on Dec. 10, 2007; *Kushner v. Chunghwa Picture Tubes, Ltd., et al.*, No. C-08-1608 (D. Minn.), filed on Jan. 16, 2008; *Monikraft, Inc v. Chunghwa Picture Tubes, Ltd. et al.*, No. C-07-6433 (N.D. Cal.), filed on Dec. 21, 2007; *Muchnick v. Chunghwa Picture Tubes, et al.*, No. C-07-05981 (N.D. Cal.), filed on Nov. 27, 2007; *OK TV & Appliances, LLC v. Samsung Electronics Co., Ltd., et al.*, No. C-08-86 (D.N.J.), filed on Jan. 7, 2008; *Orion Home Systems, LLC v. Chunghwa Picture Tubes, Ltd. et al.*, No. C-08-178 (N.D. Calif.), filed on Jan. 10, 2008; *Pierce v. Beijing Matsushita Color CRT Co., Ltd., et al.*, No. C-08-337 (N.D. Cal.), filed on Jan. 17, 2008; *Princeton Display Technologies, Inc. v. Chunghwa Picture Tubes, Inc., et al.*, No. C-07-05713 (D.N.J.), filed on Nov. 29, 2007; *Royal Data Services, Inc. v. Samsung Electronics Co. Ltd., et al.*, No. C-08-39 (D.N.J.), filed on Jan. 2, 2008; *Slagle v. Chunghwa Picture Tubes, Ltd. et al.*, No. C-08-05 (D. Vt.), filed on Jan. 9, 2008; *Southern Office Supply, Inc. v. Chunghwa Picture Tubes, Ltd. et al.*, No. C-08-62 (N.D. Ohio), filed on Jan. 10, 2008; *Wettstein & Sons, Inc. v. Chunghwa Picture Tubes, Ltd., et al.*, No. C-07-4889 (D. Minn.), filed on Dec. 18, 2007.

labor and expense for all parties. *In re Cuisinart Food Processor Antitrust Litigation*, 506 F.Supp. 651, 655 (J.P.M.L. 1981) ("transfer under Section 1407 is . . . necessary in order to prevent duplication of discovery, eliminate the possibility of conflicting pretrial rulings, and conserve the efforts of the parties, witnesses and the judiciary"). *Accord In re Motion Picture Licensing Antitrust Litigation*, 468 F.Supp. 837, 841-42 (J.P.M.L. 1979); *In re Cement and Concrete Antitrust Litigation*, 465 F.Supp. 1299, 1300-01 (J.P.M.L. 1979).

5. PENAC agrees with the New York Direct Purchaser plaintiffs that the Southern District of New York is the most appropriate venue for the consolidated actions. The Southern District of New York was the forum selected by the first plaintiff to file a complaint, the *Kindt* indirect purchaser action, and three of the related direct purchaser actions have been filed in the district. *See In re Nortel Networks Corp. Secs. and "ERISA" Litig.*, 269 F. Supp.2d 1367 (J.P.M.L. 2003) (transferring to the district in which the first plaintiff filed a complaint). In addition, more than half of the related actions currently pending are located in districts on the eastern half of the United States, including actions pending in the Western District of Arkansas (one case); District of Minnesota (two cases), District of New Jersey (three cases), Southern District of New York (four cases); Northern District of Ohio (one case), District of South Carolina (one case), Eastern District of Tennessee (one case), District of Vermont (one case).

6. New York City is geographically convenient location for most of the parties and witnesses. *See In re Prempro Prods. Liab. Litig.*, 254 F.Supp. 2d 1366, 1368 (J.P.M.L. 2003) (taking into account "the range of locations of parties and witnesses in this docket and the geographic dispersal of current and anticipated constituent actions"). In particular, PENAC is headquartered in New York City. Other parties and witnesses who are not physically located in New York City nonetheless have easy access to the city through any of the three

airports servicing the area, two of which are international airports, several Amtrak train lines and other commuter trains. In particular, this case may involve travel to or from Europe, and New York City will be the most convenient forum for European witnesses.

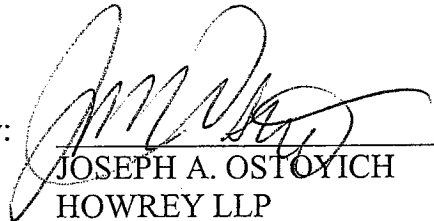
7. In addition, the Southern District of New York has considerable expertise in dealing with the issues presented by complex multidistrict litigation. See, e.g., *In re Digital Music Antitrust Litig.*, 444 F.Supp.2d 1351 (J.P.M.L. 2006); *In re Elevator and Escalator Antitrust Litig.*, 350 F.Supp. 2d 1351 (J.P.M.L. 2004); *In re Pineapple Antitrust Litig.*, 342 F.Supp. 2d 1348 (J.P.M.L. 2004); *In re Oxycontin Antitrust Litig.*, 314 F.Supp. 2d 1388 (J.P.M.L. 2004); *In re Wireless Tel. Servs. Antitrust Litig.*, 249 F.Supp.2d 1379 (J.P.M.L. 2003); *In re Currency Conversion Fee Antitrust Litig.*, 176 F.Supp. 2d 1379 (J.P.M.L. 2001); *In re European Rail Pass Antitrust Litig.*, No. 1386, 2001 WL 587855 (J.P.M.L. Feb. 7, 2001); and *In re High Pressure Laminate Antitrust Litig.*, No. MDL 1368, 2000 WL 33180479 (J.P.M.L. Oct. 6, 2000). The Honorable George B. Daniels, who has been assigned the New York actions, has considerable experience in adjudicating antitrust claims and is eminently qualified to handle this litigation. Additionally, Magistrate Judge Theodore H. Katz, has been assigned to the New York cases and is also particularly experienced, capable and efficient judge. Because of the capabilities of both Judge Daniels and Magistrate Katz, and well as the general expertise of the Southern District of New York in dealing with the matters at issue in these cases, this forum is particularly suited to handle this litigation.

8. For all of the above reasons, Defendants respectfully request that the Panel consolidate all pending CRT cases in the Southern District of New York.

Dated January 22, 2008

Respectfully Submitted

By:



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Attorneys for Philips Electronics
North America

**BEFORE THE JUDICIAL PANEL
ON MULTIDISTRICT LITIGATION**

IN RE: CATHODE RAY TUB (CRT)
ANTITRUST LITIGATION

MDL DOCKET NO. 1917

SCHEDULE OF ACTIONS

| Case Captions | Court | Civil Action No. | Judge |
|--|------------------|-----------------------------------|-------------------|
| Plaintiff: Arch Electronics, Inc. Defendants: LG Electronics, Inc.; LP Displays International Ltd.; Koninklijke Philips Electronics N.V.; Philips Electronics North America Corporation; Matsushita Electric Industrial Co., Ltd.; Panasonic Corporation of North America; Samsung Electronics Co. Ltd.; Samsung SDI Co. Ltd.; Samsung Electronics America, Inc.; Samsung SDI America, Inc.; Toshiba Corporation; Toshiba America Electronics Components, Inc.; Toshiba America Information Systems, Inc.; Matsushita Toshiba Picture Display Co., Ltd.; MT Picture Display Corporation of America (New York); MT Picture Display Corporation of America (Ohio); Chunghwa Picture Tubes, Ltd.; Tatung Company of America, Inc. | S.D. of New York | 1:07-cv-10664 (filed 11/29/07) | George B. Daniels |

| | | | |
|--|--------------------|-------------------------------------|-----------------|
| <p>Plaintiff: Art's TV and Appliance</p> <p>Defendants: Matsushita Electric Industrial Co., Ltd., Panasonic Corporation of North America, Orion Electric Co., Ltd., Orion America, Inc., Koninklijke Philips Electronics N.V., Philips Electronics North America, Samsung SDI Co., Ltd., Samsung SDI America, Inc., Samtel Color, Ltd., Thai CRT Company, Ltd., Toshiba Corporation, Beijing-Matsushita Color CRT Company, Ltd., LP Displays International, Ltd., Matsushita Toshiba Picture Display Co., Ltd., Chunghwa Picture Tubes, LTD., Chunghwa Picture Tubes (Malaysia) Sdn. Bhd., Hitachi, Ltd., Hitachi America, Ltd., Hitachi Asia, Ltd., Irico Group Corp., Irico Display Devices Co., Ltd., LG Electronics, Inc.</p> | N.D. of California | 3:07-cv-06416 (filed 12/19/07) | Joseph C. Spero |
| <p>Plaintiff: Charles Benson</p> <p>Defendants: Chunghwa Picture Tubes, Ltd.; Tatung Company of America, Inc.; L.G. Electronics, Inc.; LG Philips Displays USA, Inc.; Matsushita Electric Industrial Co., Ltd.; Panasonic Corporation of North America; Koninklijke Philips Electronics N.V.; Philips Electronics North America Corporation; Samsung Electronics Co.; Samsung Electronics America, Inc.; Samsung SDI Co., Ltd. f/k/a Samsung Display Device Co.; Toshiba Corporation; Toshiba America Electronics Components, Inc.; Toshiba America Information Systems, Inc.; MT Picture Display Company; MT Picture Display Corporation of America (New York); MT Picture Display Corporation of America (Ohio) and LP Displays.</p> | E.D. of Tennessee | 2:2008-cv-00011 (filed 01/14/08) | J. Ronnie Greer |

| | | | |
|--|--------------------|-----------------------------------|-------------------|
| <p>Plaintiff: Barbara Caldwell</p> <p>Defendants: Matsushita Electric Industrial Co., Ltd.; Toshiba Corporation; Toshiba America, Inc.; MT Picture Display Co., LTD.; Samsung SDI Co., Ltd.; LP Displays International, Ltd.; Royal Philip Electronics N.V.; Chunghwa Picture Tubes, Ltd.</p> | N.D. of California | 3:07-cv-06303 (filed 12/13/07) | Samuel Conti |
| <p>Plaintiff: Carroll Cut-Rate Furniture</p> <p>Defendants: Chunghwa Picture Tubes, Ltd.; Chunghwa Picture Tubes (Malaysia) Sdn. Bhd.; Hitachi, Ltd.; Hitachi America, Ltd.; Hitachi Asia, Ltd.; Irico Group Corp.; Irico Display Devices Co., Ltd.; LG Electronics, Inc.; Matsushita Electric Industrial Co., Ltd.; Panasonic Corporation of North America; Orion Electric Co., Ltd.; Koninklijke Philips Electronics N.V.; Philips Electronics North America; Samsung SDI Co., Ltd.; Samsung SDI America, Ltd.; Samtel Color, Ltd.; Thai CRT Company, Ltd.; Toshiba Corporation; Beijing-Matsushita Color CRT Company, Ltd.; LP Displays International, Ltd.; Matsushita Toshiba Picture Display Co., Ltd.</p> | N.D. of California | 3:08-cv-00309 (filed 1/17/08) | Maxine M. Chesney |

| | | | |
|---|--------------------|---------------------------------|--------------------|
| <p>Plaintiff: Jerry Cook</p> <p>Defendants: Chunghwa Picture Tubes, Ltd.; Tatung Company of America, Inc.; L.G. Electronics, Inc.; LG Philips Display USA, Inc.; Matsushita Electric Industrial Co., Ltd.; Panasonic Corporation of North America; Koninklijke Philips Electronics N.V.; Philips Electronics North America Corporation; Samsung Electronics Co.; Samsung Electronics America, Inc.; Samsung SDI Co. Ltd.. f/k/a Samsung Display Device Co.; Toshiba Corporation; Toshiba America Electronics Components, Inc.; Toshiba America Information Systems, Inc.; MT Picture Display Company; MT Picture Display Corporation of America (New York); MT Picture Display Corporation of America (Ohio); LP Displays</p> | W.D. of Arkansas | 5:2008-cv-05013 (filed 1/11/08) | Jimm Larry Hendren |
| <p>Plaintiff: Crago, Inc.</p> <p>Defendants: Chunghwa Picture Tubes, Ltd.; Chunghwa Picture Tubes (Malaysia) Sdn. Bhd.; Hitachi, Ltd.; Hitachi America, Ltd.; Hitachi Asia, Ltd.; Irico Group Corp.; Irico Display Devices Co., Ltd.; LG Electronics, Inc.; Matsushita Electric Industrial Co., Ltd.; Panasonic Corporation of North America; Orion Electric Co., Ltd.; Orion America, Inc.; Koninklijke Philips Electronics N.V.; Philips Electronics North America; Samsung SDI Co., Ltd.; Samsung SDI America, Inc.; Samtel Color, Ltd.; Thai CRT Company, Ltd.; Toshiba Corporation; Beijing-Matsushita Color CRT Company, Ltd.; Matsushita Toshiba Picture Display Co., Ltd.; and LP Displays International, Ltd.</p> | N.D. of California | 3:07-cv-05944 (filed 11/26/07) | Samuel Conti |

| | | | |
|--|--------------------|-----------------------------------|--------------|
| <p>Plaintiff: Jeffrey Figone</p> <p>Defendants: LG Electronics, Inc.; Samsung Electronics Co., Ltd.; Samsung SDI Co., Ltd.; Samsung Electronics America, Inc.; Samsung SDI America, Inc.; Samuel Color Ltd.; Toshiba Corporation; Toshiba America Electronic Components, Inc.; Toshiba America Information Systems, Inc.; Matsushita Toshiba Picture Display Co., Ltd.; MT Picture Display Corporation of America (New York); MT Picture Display Corporation of America (Ohio); Matsushita Electric Industrial Co., Ltd.; Panasonic Corporation of North America; Beijing-Matsushita Color CRT Company, Ltd.; Orion Electric Co., Ltd.; Orion America, Inc.; Hitachi LTD; Hitachi America Ltd.; Hitachi Asia, Ltd.; Chunghwa Picture Tubes Ltd.; Chunghwa Picture Tubes (Malaysia) SDN, BHD; LP Displays International, Ltd.; Koninklijke Philips Electronics N.V.; Philips Electronics North America; Irico Group Corp.; Irico Display Devices Co., Ltd.; Thai CRT Company, Ltd.; Tatung Company of America, Inc.</p> | N.D. of California | 3:07-cv-06331 (filed 12/13/07) | Samuel Conti |
|--|--------------------|-----------------------------------|--------------|

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|---|----------------------|-----------------------------------|-----------------|
| <p>Plaintiff: Greg A. Glanz</p> <p>Defendants: Samsung Electronics Co, Samsung Electronics America Inc, Samsung SDI Co Ltd, Toshiba Corporation, Toshiba America Electronics Components Inc, Toshiba America Information Systems Inc, Mt Picture Display Company, Mt Picture Display Corporation of America (New York), Mt Picture Display Corporation of America (Ohio), LP Displays, Chunghwa Picture Tubes Ltd, Tatung Company of America Inc, LG Electronics Inc, LG Philips Display USA Inc, Matsushita Electric Industrial Co Ltd, Panasonic Corporation of North America, Koninklijke Philips Electronics NV, Philips Electronics North America Corporation</p> | D. of South Carolina | 4:07-cv-04175 (filed 12/31/07) | Terry L. Wooten |
| <p>Plaintiff: Hawel A. Hawel d/b/a City Electronics</p> <p>Defendants: Chunghwa Picture Tubes Ltd.; Chunghwa Picture Tubes (Malaysia) Sdn. Bhd.; Hitachi, Ltd.; Hitachi America, Ltd.; Hitachi Asia, Ltd.; Irico Display Devices Co., Ltd.; LG Electronics Inc.; Matsushita Electric Industrial Co., Ltd.; Panasonic Corporation of Northern America; Orion Electric Co., Ltd.; Orion America, Inc.; Koninklijke Philips Electronics, N.V.; Philips Electronics North America; Samsung SDI Co., Ltd.; Samtel Color, Ltd.; Thai CRT Company, Ltd.; Toshiba Corporation; Beijing-Matsushita Color CRT Company, Ltd.; Matsushita Toshiba Picture Display Co., Ltd.; LP Displays International, Ltd.; Samsung SDI America, Inc.</p> | N.D. of California | 3:07-cv-06279 (filed 12/12/07) | Samuel Conti |

| | | | |
|---|--------------------|-----------------------------------|-------------------|
| <p>Plaintiff: Industrial Computing, Inc.</p> <p>Defendants: Matsushita Electric Industrial Co., Ltd., MT Picture Display Co., Ltd., Hitachi Ltd., Hitachi America Ltd., Hitachi Asia, Ltd., Panasonic Corporation of North America, Samsung SDI Co., Ltd., Samsung SDI America, Inc., Samtel Color Ltd., Chunghwa Picture Tubes, Ltd., Chunghwa Picture Tubes (Malaysia) Sdn. Bhd., LG Electronics, Inc., LP Displays, Royal Philips Electronics North America, Philips Electronics North America, Toshiba Corporation, Toshiba Matsushita Display Technology Co., Ltd.</p> | S.D. of New York | 1:07-cv-11203 (filed 12/13/07) | George B. Daniels |
| <p>Plaintiff: Michael Juetten and Chad Klebs</p> <p>Defendants: Chunghwa Picture Tubes, Ltd.; LP Displays International, Ltd.; Matsushita Electric Industrial Co. Ltd.; MT Picture Display Co., Ltd.; Koninklijke Philips Electronics N.V.; Samsung SDI Co.; Toshiba Corp.; Toshiba America, Inc.</p> | N.D. of California | 3:07-cv-06225 (filed 12/10/07) | Samuel Conti |
| <p>Plaintiff: Andrew Kindt</p> <p>Defendants: Matsushita Electric Industrial Co., Ltd.; Samsung SDI Co., Ltd.; LP Displays International, Ltd.; MTPicture Display Co., Ltd.; Toshiba Corp.; Toshiba America, Inc.</p> | S.D. of New York | 1:07-cv-10322 (filed 11/13/07) | George B. Daniels |

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| <p>Plaintiff: Barry Kushner and Alan Rotman</p> <p>Defendants: Chunghwa Picture Tubes, Ltd., Tatung Company of America, Inc., L.G. Electronics, Inc., LG Philips Display USA, Inc., Matsushita Electric Industrial Co. Ltd., Panasonic Corporation of North America, Koninklijke Philips Electronics N.V., Philips Electronics North America Corporation, Samsung Electronics Co., Samsung Electronics America, Inc., Samsung SDI Co. Ltd., Toshiba Corporation, Toshiba America Electronics Components, Inc., Toshiba America Information Systems, Inc., MT Picture Display Company, MT Picture Display Corporation of America (New York), MT Picture Display Corporation of America (Ohio) and LP Displays</p> | D.C. of Minnesota | 0:2008-cv-00160 (filed on 1/16/08) | Patrick J. Schiltz |
| <p>Plaintiff: Meijer, Inc. and Meijer Distribution, Inc.</p> <p>Defendants: LG Electronics, Inc.; LP Displays International Ltd.; Koninklijke Philips Electronics N.V.; Philips Electronics North America Corporation; Matsushita Electric Industrial Co., Ltd.; Panasonic Corporation of North America; Samsung Electronics Co., Ltd.; Samsung SDI Co. Ltd.; Samsung Electronics America, Inc.; Samsung SDI America, Inc.; Toshiba Corporation; Toshiba America Electronics Components, Inc.; Toshiba America Information Systems, Inc.; Matsushita Toshiba Picture Display Co., Ltd.; MT Picture Display Corporation of America (New York); MT Picture Display Corporation of America (Ohio); Chunghwa Picture Tubes, Ltd.; Tatung Company Of America, Inc.</p> | S.D. of New York | 1:07-cv-10674 (filed 11/29/07) | George B. Daniels |

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| <p>Plaintiff: Monikraft, Inc.</p> <p>Defendants: Matsushita Electric Industrial Co., Ltd., Panasonic Corporation of North America, Orion Electric Co., Ltd., Orion America, Inc., Koninklijke Philips Electronics N.V., Philips Electronics North America, Samsung SDI Co., Ltd., Samsung SDI America, Inc., Samtel Color, Ltd., Thai CRT Company, Ltd., Toshiba Corporation, Beijing-Matsushita Color CRT Company, Ltd., LP Displays International, Ltd., Chunghwa Picture Tubes, LTD., Chunghwa Picture Tubes (Malaysia) SDN. BHD, Hitachi, Ltd., Hitachi America, Ltd, Hitachi Asia, Ltd., Irico Group Corp., Irico Display Devices Co., Ltd., LG Electronics, Inc.</p> | N.D. of California | 3:07-cv-06433 (filed 12/21/07) | Samuel Conti |
| <p>Plaintiff: Nathan Muchnick, Inc.</p> <p>Defendants: Chunghwa Picture Tubes Ltd.; Tatung Company of America, Inc.; LG Electronics Inc.; LG Philips Display USA, Inc.; Matsushita Electric Industrial Company, Ltd.; Panasonic Corporation of North America; Koninklijke Philips Electronics, N.V.; Philips Electronics North America Corporation; Samsung Electronics Co. Ltd.; Samsung Electronics America, Inc.; Samsung SDI Co., Ltd.; Toshiba Corporation; Toshiba America Electronics Components, Inc.; Toshiba America Information Systems, Inc.; MT Picture Display Company; MT Picture Display Corporation of America (New York); MT Picture Display Corporation of America (Ohio)</p> | N.D. of California | 3:07-cv-05981 (filed 11/27/07) | Samuel Conti |

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| <p>Plaintiff: OK TV & Appliances, LLC</p> <p>Defendants: Samsung Electronics Co., Ltd.; Samsung SDI Co. Ltd.; Samsung Electronics America, Inc.; Matsushita Electric Industrial Co. Ltd.; Matsushita Toshiba Picture Display Co., Ltd.; MT Picture Display Corporation of America; Panasonic Corporation of North America; Toshiba Corporation; Toshiba America Consumer Products, LLC; Orion Electric Co., Ltd.; Royal Philips Electronics N.V.; Philips Electronics North America Corp.; LG Electronics, Inc.; LG Electronics USA, Inc.; LP Displays International, Ltd.; Chunghwa Picture Tubes, Ltd.; Tatung Company of America, Inc.; TPV Technology, Ltd., Co.; TPV International (USA), Inc.; Hitachi, Ltd.; Hitachi America, Ltd.; Hitachi Asia, Ltd.</p> | D. of New Jersey | 2:08-cv-0086 (filed 1/7/08) | Joseph A. Greenaway, Jr. |
| <p>Plaintiff: Orion Home Systems, LLC</p> <p>Defendants: Chunghwa Picture Tubes, Ltd.; Chunghwa Picture Tubes (Malaysia) Sdn. Bhd.; Hitachi, Ltd.; Hitachi America, Ltd.; Hitachi Asia, Ltd.; Irico Group Corp.; Irico Display Devices Co., Ltd.; LG Electronics U.S.A., Inc.; Matsushita Electric Industrial Co., Ltd.; Panasonic Corporation of North America; Orion Electric Co, Ltd.; Orion America, Inc.; Koninklijke Philips Electronics N.V.; Philips Electronics North America; Samsung SDI Co., Ltd.; Samsung SDI America, Inc.; Samtel Color, Ltd.; Thai CRT Company, Ltd.; Toshiba Corporation, Beijing-Matsushita Color CRT Company, Ltd.; Matsushita Toshiba Picture Display Co., Ltd.; LP Displays International, Ltd.</p> | N.D. of California | 3:2008-cv-00178 (filed on 1/10/08) | Elizabeth D. Laporte |

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| Plaintiff: Mark Pierce Defendants: Beijing-Matsushita Color CRT Company, Ltd.; Chunghwa Picture Tubes, Ltd.; Chunghwa Picture Tubes (Malaysia) Sdn. Bhd.; Hitachi, Ltd.; Hitachi America, Ltd.; Hitachi Asia, Ltd.; Irico Group Corporation; Irico Display Devices Co., Ltd.; LG Electronics, Inc.; LP Displays International, Ltd.; Matsushita Electric Industrial Co., Ltd.; Panasonic Corporation of North America; Orion Electric Co., Ltd.; Orion America, Inc.; Koninklijke Philips Electronics N.V.; Philips Electronics North America; Samsung SDI Co., Ltd.; Samsung SDI America, Inc.; Samtel Color, Ltd.; Thai CRT Company, Ltd.; Toshiba Corporation; MT Picture Display Co, Ltd. | N.D. of California | 3:08-cv-00337 (filed 1/17/08) | Maxine M. Chesney |
| Plaintiff: Princeton Display Technologies, Inc. Defendants: Chunghwa Picture Tubes, Ltd.; Chunghwa Picture Tubes (Malaysia) Sdn. Bhd.; LG Electronics, Inc.; LP Displays; Royal Philips Electronics N.V.; Toshiba Corporation; Toshiba Matsushita Display Technology Co., Ltd.; Matsushita Electric Industrial Co. Ltd. ; MT Picture Display; Hitachi Ltd.; Hitachi America Ltd.; Hitachi Asia, Ltd.; Panasonic Corporation of North America ; Samtel Color, Ltd. | D. of New Jersey | 2:07-cv-05713 (filed 11/29/07) | Katharine S. Hayden |

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| <p>Plaintiff: Royal Data Services, Inc.</p> <p>Defendants: Samsung Electronics Co., Ltd.; Samsung SDI Co. Ltd.; Samsung Electronics America, Inc.; Matsushita Electric Industrial Co. Ltd.; Matsushita Toshiba Picture Display Co., Ltd.; MT Picture Display Corporation of America; Panasonic Corporation of North America; Toshiba Corporation; Toshiba America Consumer Products, LLC; Orion Electric Co., Ltd.; Royal Philips Electronics N.V.; Philips Electronics North America Corp.; LG Electronics, Inc.; LG Electronics USA, Inc.; LP Displays International, Ltd.; Chunghwa Picture Tubes, Ltd.; Tatung Company of America, Inc.; TPV Technology, Ltd., Co.; TPV International (USA), Inc.; Hitachi, Ltd.; Hitachi America, Ltd.; Hitachi Asia, Ltd.</p> | D. of New Jersey | 2:08-cv-0039 (filed 1/2/08) | Joseph A. Greenaway, Jr. |
| <p>Plaintiff: Margaret Slagle</p> <p>Defendants: Chunghwa Picture Tubes, Ltd.; Tatung Company of America, Inc.; L.G. Electronics, Inc.; LG Philips Display USA, Inc.; Matsushita Electric Industrial Co. Ltd.; Panasonic Corporation of North America; Koninklijke Philips Electronics N.V.; Philips Electronics North America Corporation; Samsung Electronics Co.; Samsung Electronics America, Inc.; Samsung SDI Co. Ltd. f/k/a Samsung Display Device Co.; Toshiba Corporation; Toshiba America Electronics Components, Inc.; Toshiba America Information Systems, Inc.; MT Picture Display Company; MT Picture Display Corporation of America (New York); MT Picture Display Corporation of America (Ohio); LP Displays</p> | D. of Vermont | 2:2008-cv-00005 (filed on 1/9/08) | William K. Sessions III |

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| <p>Plaintiff: Southern Office Supply, Inc.</p> <p>Defendants: Chunghwa Picture Tubes, Ltd.; Tatung Company of America, Inc.; L.G. Electronics, Inc.; LG Philips Display USA, Inc.; Matsushita Electric Industrial Co. Ltd.; Panasonic Corporation of North America; Koninklijke Philips Electronics N.V.; Philips Electronics North America Corporation; Samsung Electronics Co.; Samsung Electronics America, Inc.; Samsung SDI Co. Ltd. f/k/a Samsung Display Device Co.; Toshiba Corporation; Toshiba America Electronics Components, Inc.; Toshiba America Information Systems, Inc.; MT Picture Display Company; MT Picture Display Corporation of America (New York); MT Picture Display Corporation of America (Ohio); LP Displays</p> | N.D. of Ohio | 1:2008-cv-00062 (filed on 1/10/08) | Donald C. Nugent |
| <p>Plaintiff: Wettstein and Sons, Inc., d/b/a Wettstein's</p> <p>Defendants: Chunghwa Picture Tubes, Ltd.; Tatung Company of America, Inc.; L.G. Electronics, Inc.; LG Philips Display USA, Inc.; Matsushita Electric Industrial Co. Ltd.; Panasonic Corporation of North America; Koninklijke Philips Electronics N.V.; Philips Electronics North America Corporation; Samsung Electronics Co.; Samsung Electronics America, Inc.; Samsung SDI Co. Ltd. f/k/a Samsung Display Device Co.; Toshiba Corporation; Toshiba America Electronic Components, Inc.; Toshiba America Information Systems, Inc.; MT Picture Display Company; MT Picture Display Corporation of America (New York); MT Picture Display Corporation of America (Ohio); LP Displays</p> | D. of Minnesota | 0:07-cv-4889 (filed 12/18/07) | Michael J. Davis |

BEFORE THE JUDICIAL PANEL
ON MULTIDISTRICT LITIGATION

IN RE: CATHODE RAY TUB (CRT)
ANTITRUST LITIGATION

MDL DOCKET NO. 1917

CERTIFICATE OF SERVICE

I, Joseph A. Ostoyich, of Howrey LLP, one of the attorneys representing Defendant Philips Electronics North America Corporation a/k/a PENAC, hereby certify that on January 22, 2008, I caused copies of the following documents to be served by United States First Class Mail on the persons identified on the attached Service List.

- (1) Notice of Appearance;
- (2) Notice of Presentation or Waiver of Oral Argument;
- (3) Rule 5.3 Corporate Disclosure Statement;
- (4) Philips Electronics North America Corporation's Interested Party Response to:
(1) Plaintiff Crago, Inc.'s Motion for Transfer of Actions to the Northern District of California for Coordinated or Consolidated Pretrial Proceedings Pursuant to 28 U.S.C. § 1407, and (2) New York Direct Purchaser Plaintiff's Motion for Transfer of Actions to the Southern District of New York Pursuant to 28 U.S.C. § 1407 for Coordinated or Consolidated Pretrial Proceedings, (3) Plaintiff Princeton Display Technologies, Inc.'s Motion for Transfer and Consolidation of Related Antitrust Actions to the District of New Jersey Pursuant to 28 U.S.C. § 1407, (4) Plaintiff Glanz's Interested Party Response Concurring in the 28 U.S.C. Motion to Transfer but Seeking Transfer and Consolidation in the District of South Carolina; and (5) Plaintiff Wettstein & Sons, Inc.'s Interested Party Response Concurring in the 28 U.S.C. Motion to Transfer but Seeking Transfer and Consolidation in the District of Minnesota; and
- (5) Schedule of Actions.


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